



Penderfyniad ar Apêl

Gwrandawriad a gynhaliwyd ar 11/05/10
Ymweliad safle a wnaed ar 11/05/10

Appeal Decision

Hearing held on 11/05/10
Site visit made on 11/05/10

gan/by Emyr Jones BSc(Hons) CEng MICE MCMI

**Arolygydd a benodir gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 08/06/10

Cyf yr Apêl: APP/L6805/A/09/2119596

Cyfeiriad y safle: Tir ger Llechwedd, Pengorffwysfa, Amlwch LL68 9LY

Mae Gweinidogion Cymru wedi trosglwyddo'r awdurdod i benderfynu ar yr apêl hon i mi fel yr Arolygydd penodedig.

- Gwneir yr apêl dan adran 78 o Ddeddf Cynllunio Gwlad a Thref 1990 yn erbyn penderfyniad i roi caniatâd cynllunio'n ddarostyngedig i amodau.
- Gwneir yr apêl gan Mr A Barker yn erbyn penderfyniad Cyngor Sir Ynys Môn.
- Cymeradwywyd y cais Cyf 24C262A, dyddiedig 19 Mawrth 2009, ar 12 Tachwedd 2009 a rhoddwyd caniatâd cynllunio'n ddarostyngedig i amodau.
- Adeiladu annedd ynghyd ag addasiadau i'r fynedfa bresennol yw'r datblygiad a ganiateir.
- Yr amod y ceir dadl yn ei gylch yw Rhif 3 sy'n nodi: 'Ni fydd unrhyw ddatblygiad yn dechrau nes bod llwybr troed 1.5m o led yn cael ei ddarparu ar hyd ffin y safle ger y briffordd sirol ac i'w gwblhau yn unoi â'r fanyleb y cytunwyd arni'n ysgrifenedig gan yr Awdurdod Cynllunio Lleol.'
- Y rheswm a roddir dros yr amod yw: 'Cydymffurfio â gofynion yr Awdurdod Priffyrdd er budd diogelwch y ffyrdd.'

Penderfyniad

1. Caniatâf yr apêl ac amrywiaf y caniatad cynllunio Cyf 24C262A i godi annedd ynghyd ag addasiadau i fynedfa bresennol ar dir ger Llechwedd, Pengorffwysfa, Amlwch a roddwyd ar 12 Tachwedd 2009 gan Gyngor Sir Ynys Môn, gan ddileu amod 3.

Y Prif Fater

2. Rwyf o'r farn mai'r prif fater yn yr achos hwn yw p'un a yw amod 3 yn bodloni meini prawf Cylchlythyr 35/95 ar *Ddefnyddio Amodau Caniatâd Cynllunio* ac effaith ei ddileu ar ddiogelwch y ffyrdd ar y ffordd ddiddosbarth sy'n ffryntio â'r safle.

Y Mater Gweithdrefnol

3. Er bod yr apêl yn ymwneud ag amod 3 yn unig, gofynnodd pobl â buddiant fod y penderfyniad gwreiddiol i roi caniatâd cynllunio'n cael ei wrthdroi. Mae adran 79(1) o *Ddeddf Cynllunio Gwlad a Thref 1990* (fel y'i diwygiwyd) yn fy ngalluogi i wrthdroi neu amrywio unrhyw ran o'r penderfyniad, p'un a yw'r apêl yn ymwneud â'r rhan honno ai peidio. Fodd bynnag, mae egwyddorion cyfiawnder naturiol yn dweud na ddylai apelydd golli allan ar ddiwedd proses apêl mwy nag y byddai

wedi gwneud pe na bai apêl wedi'i chyflwyno. Yn ogystal, nid yw'r tyrbin gwynt a gynigiwyd yn wreiddiol yn ffurfio rhan o'r cynllun cymeradwy ac ystyriwyd y materion eraill y gwnaeth partion â buddiant gwyno amdanynt gan yr awdurdod cynllunio lleol cyn rhoi caniatâd cynllunio. O ganlyniad, dim ond yr amod y ceir dadl yn ei gylch y byddaf yn ei ystyried wrth benderfynu ar yr apêl.

Rhesymau

4. Mae Cylchlythyr 25/95 yn gofyn, ymhlith materion eraill, bod amodau yn cael eu cysylltu'n deg ac yn rhesymol â'r datblygiad a ganiateir, fel arall byddant yn *ultra vires*. Felly nid yw'n ddigonol bod amod yn gysylltiedig ag amcanion cynllunio: mae'n rhaid iddo hefyd gael ei gyfiawnhau gan natur y datblygiad a ganiateir neu ei effaith ar yr ardal o'i amgylch.
5. Er enghraifft, os rhoddir caniatâd cynllunio i addasu adeilad ffatri, byddai'n anghywir gosod amodau a fyddai'n ei gwneud yn amodol darparu cyfleusterau parcio ychwanegol ar gyfer ffatri bresennol dim ond i ddiwallu angen sydd eisoes yn bodoli. Er gwaethaf dymunoldeb yr amcan hwnnw mewn ystyr cynllunio, ni châi'r angen i weithredu ei greu gan y datblygiad newydd. Er hynny mae'n briodol i amodau ddiogelu mynediad boddhaol, er enghraifft, neu gyfleusterau parcio, sydd eu gwir angen ar ddefnyddwyr y datblygiad arfaethedig. Gall amodau fod yn briodol hefyd lle bo'r angen amdanynt yn deillio o effaith y datblygiad yn hytrach na'u nodweddion eu hunain.
6. Mae diffyg llwybrau troed ar hyn o bryd ar y ffordd ddiddosbarth sy'n ffryntio â'r safle. Mae gan 17 o anheddau (18 pan gaiff yr annedd newydd yn Nhyddyn Bach ei chwblhau) fynedfeydd i gerddwyr yn arwain i'r ffordd, i'r de-ddwyrain (i ffordd o ganol y pentrefan) o'r fynedfa arfaethedig. Mewn amgylchiadau o'r fath, er gwaethaf cyflymderau isel cerbydau, nid wyf yn amau y byddai darparu llwybr troed ar ffryntiad y safle'n ddymunol mewn termau cynllunio. Fodd bynnag, nid yw hynny'n ddigonol i fodloni'r prawf teg a rhesymol cysylltiedig. Drwy gyfatebiaeth â'r enghreifftiau a roddwyd yn y Cylchlythyr, er mwyn i amod 3 fodloni'r meini prawf hynny, dylid dangos y byddai'r datblygiad yn debygol o arwain at gynnydd sylweddol o ran traffig cerddwyr, neu waethygu unrhyw wrthdaro presennol rhwng cerddwyr a cherbydau, ar y ffordd sy'n ffryntio â'r safle.
7. Mae'r cyfleusterau cyfyngedig yn y pentrefan, sy'n cynnwys arhosfan fws, ciosg ffôn, blwch post, capel a neuadd, wedi'u lleoli i ogledd-orllewin y fynedfa arfaethedig. Er y gallai darpar breswylwyr yr annedd arfaethedig gerdded i'r de-ddwyrain at ddibenion megis ymweld â chymdogion, byddai lleoliad y cyfleusterau uchod yn debygol o arwain at y rhan fwyaf o deithiau cerdded yn mynd i'r gogledd-orllewin. O ystyried y byddai'r fynedfa arfaethedig tua diwedd gogledd-orllewin y ffryntiad, ni fyddai'r teithiau hyn yn defnyddio cyfran fwyaf y llwybr troed a fyddai'n ofynnol o dan amod 3. Ar sail yr hyn y dywedwyd wrthyf yn y Gwrandawriad, gwneir cryn ddefnydd o'r ffordd sy'n ffryntio â'r safle gan gerddwyr hamdden, yn enwedig yn ystod misoedd yr haf.
8. Am y rhesymau uchod, casglaf na fyddai byw yn y datblygiad yn cynyddu traffig cerddwyr ar y rhan fwyaf o'r ffordd sy'n ffryntio â'r safle. Gellid dadlau y byddai cynnydd sylweddol mewn traffig ar y rhan i'r gogledd-orllewin o'r fynedfa arfaethedig, gan gyfiawnhau amod 3 wedi'i ail-eirio sy'n ymdrin â'r hyd hwnnw'n unig. Fodd bynnag, rwyf o'r farn, yn ei rinwedd ei hun, y byddai'r hyd dan sylw mor fach fel na fyddai unrhyw fanteision go iawn i ddiogelwch y ffordd.

9. Rhoddodd arolwg traffig a gynhaliwyd ddydd Iau 26 Ebrill 2007 lif traffig deuol o 25 o gerbydau a chyfanswm o 195 o gerbydau dros gyfnod 12 awr yr arolwg. Yn fy marn i, ni fyddai nifer gyfyngedig y symudiadau cerbydol ychwanegol a fyddai'n debygol o ddeillio o fyw yn yr adeilad arfaethedig yn cynyddu'r uchod yn sylweddol ac, yn ôl pob tebyg, byddai o fewn toniannau dyddiol arferol. Mae pobl â buddiant yn amau'r arolwg traffig canol wythnos, gan awgrymu bod lefelau traffig yn uwch o lawer dros y penwythnos, yn enwedig yn ystod misoedd yr haf. Fodd bynnag, byddai hynny'n arwain at gynnydd o ran canran gyda meddiannaeth yr annedd arfaethedig yn gostwng. O ganlyniad, casglaf na fyddai byw yn y datblygiad yn gwaethygu unrhyw wrthdaro presennol yn sylweddol rhwng cerddwyr a cherbydau ar y ffordd sy'n ffryntio â'r safle.
10. Mae'r apelydd yn awgrymu y byddai gweithredu'r amod y ceir dadl yn ei gylch yn niweidiol i gymeriad a golwg Pengorffwysfa. Mae hyn yn ystyriaeth bwysig o ystyried lleoliad y pentrefan o fewn Ardal o Harddwch Naturiol Eithriadol. Fodd bynnag, gan fod y lled roedd ei angen wedi'i leihau o'r 2m arferol a bod rhai darnau eraill o lwybr troed ym Mhengorffwysfa; ni welaf unrhyw wrthdaro â'r amcan o gadw harddwch naturiol eithriadol yr ardal.
11. Mae'r apelydd hefyd yn nodi na chafodd unrhyw amod cyfatebol ei osod ar ganiatâd cynllunio Cyf: 24C279 sy'n ymwneud â dymchwel adeilad allan sy'n bodoli eisoes ynghyd ag adeiladu annedd newydd ac adeiladu mynedfa newydd yn Nhyddyn Bach, Pengorffwysfa. Fodd bynnag, mae'r safle'n cyd-ffinio â'r pentrefan fel nad oes modd cymharu amgylchiadau'r ddau achos yn uniongyrchol.
12. Am y rhesymau a roddwyd uchod, casglaf nad yw amod 3 yn bodloni meini prawf Cylchlythyr 35/95, gan nad yw natur y datblygiad a ganiateir yn ei gyfiawnhau neu ei effaith ar yr ardal o'i amgylch. Ni fyddai ei ddileu'n niweidio diogelwch ar y ffordd ddiddosbarth sy'n ffryntio â'r safle yn sylweddol nac yn arwain at wrthdaro â *Chynllun Strwythur Gwynedd*, *Cynllun Lleol Ynys Môn*, a chynllun ataliedig *Cynllun Datblygu Unedol Ynys Môn*. Felly dylai'r apêl lwyddo a byddaf yn amrywio'r caniatâd cynllunio drwy ddileu'r amod y ceir dadl yn ei gylch.

E Jones

Arolygydd

YMDDANGOSIADAU

AR RAN YR APELYDD:

Mr Rh Davies	CDN Planning (Wales) Ltd.
Mr N Marland	WM Design + Architecture Ltd.
Mr A a Mrs P Barker	Apelydd

AR RAN YR AWDURDOD CYNLLUNIO LLEOL:

Mr M Davies	Cyngor Sir Ynys Môn
Mr J R W Owen	Cyngor Sir Ynys Môn
Mr R Eames	Cyngor Sir Ynys Môn

UNIGOLYN Â BUDDIANT:

Y Cynghorydd A Morris Jones	Aelod lleol
Mr G Morris Jones	Ymgyrch Diogelu Cymru Gyfan
Mr J C Jones	Trigolyn lleol



Penderfyniad ar Apêl

Gwrandawriad a gynhaliwyd ar 11/05/10
Ymweliad safle a wnaed ar 11/05/10

Appeal Decision

Hearing held on 11/05/10
Site visit made on 11/05/10

gan/by Emyr Jones BSc(Hons) CEng MICE MCMI

**Arolygydd a benodir gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 08/06/10

Appeal Ref: APP/L6805/A/09/2119596

Site address: Land adjacent to Llechwedd, Pengorffwysfa, Amlwch LL68 9LY

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr A Barker against the decision of the Isle of Anglesey County Council.
- The application Ref 24C262A, dated 19 March 2009, was approved on 12 November 2009 and planning permission was granted subject to conditions.
- The development permitted is the erection of a dwelling together with alterations to an existing access.
- The condition in dispute is No 3 which states that: 'No development shall commence until a 1.5m wide footway be provided along the whole length of the site boundary adjacent to the county highway and to be completed to a specification agreed in writing by the Local Planning Authority.'
- The reason given for the condition is: 'To comply with the requirements of the Highway Authority in the interests of road safety.'

Decision

1. I allow the appeal, and vary the planning permission Ref 24C262A for the erection of a dwelling together with alterations to an existing access on land adjacent to Llechwedd, Pengorffwysfa, Amlwch granted on 12 November 2009 by the Isle of Anglesey County Council, deleting condition 3.

Main issue

2. I consider the main issue in this case to be whether condition 3 satisfies the tests of Circular 35/95 on *The Use of Conditions in Planning Permissions* and the effect of its removal on highway safety on the unclassified road fronting the site.

Procedural matter

3. Although the appeal only relates to condition 3, interested persons requested that the original decision to grant planning permission be overturned. Section 79(1) of the *Town and Country Planning Act 1990* (as amended) does enable me to reverse or vary any part of the decision, whether the appeal relates to that part or not. However, the principles of natural justice dictate that an appellant

should be no worse off at the end of an appeal process than he or she would have been had the appeal not been made. Furthermore, the wind turbine originally proposed does not form part of the approved scheme and the other matters complained of by the interested parties were considered by the local planning authority before granting planning permission. As a result, I will only consider the disputed condition in my determination of the appeal.

Reasons

4. Circular 35/95 requires, amongst other matters, that conditions be fairly and reasonably related to the development to be permitted, otherwise they will be *ultra vires*. Thus it is not sufficient that a condition is related to planning objectives: it must also be justified by the nature of the development permitted or its effect on the surroundings.
5. For example, if planning permission is being granted for the alteration of a factory building, it would be wrong to impose conditions requiring additional parking facilities to be provided for an existing factory simply to meet a need that already exists. Despite the desirability of that objective in planning terms, the need for the action would not be created by the new development. Nevertheless it is proper for conditions to secure satisfactory access, for example, or parking facilities, genuinely required by the users of the proposed development. Conditions can also be proper where the need for them arises out of the effect of the development rather than its own features.
6. The section of unclassified road fronting the site currently lacks footways. Some 17 dwellings (18 when the new dwelling at Tyddyn Bach is completed) have pedestrian accesses onto the road, to the south east (away from the centre of the hamlet) of the proposed access. In such circumstances, notwithstanding the relatively low vehicle speeds, I have no doubt that providing a footway on the site frontage is desirable in planning terms. Nonetheless, that is not sufficient to satisfy the fairly and reasonably related test. By analogy with the examples given in the Circular, for condition 3 to satisfy that test it should be demonstrated that the development would be likely to result in a material increase in pedestrian traffic, or materially exacerbate any existing conflict between pedestrians and vehicles, on the highway fronting the site.
7. The limited facilities in the hamlet, comprising a bus stop, telephone kiosk, post box, Chapel and hall, are all located to the north west of the proposed access. Whilst future occupiers of the proposed dwelling may walk to the south east for such purposes as visiting neighbours, the location of the above facilities would be likely to result in the majority of pedestrian trips being to the north west. Given that the proposed access would be towards the north western end of the frontage, these trips would not utilise the greater proportion of the footway required by condition 3. On the basis of what I was told at the Hearing, the road fronting the site is also well used by recreational walkers, particularly during the summer months.
8. For the above reasons, I conclude that occupation of the development would not materially increase pedestrian traffic on most of the highway fronting the site. It could be argued that there would be a material increase in such traffic on the section to the northwest of the proposed access, thereby justifying a reworded

condition 3 covering that length only. However, I am of the view that, in isolation, the length involved would be so small that no real benefits to highway safety would ensue.

9. A traffic survey carried out on Thursday 26 April 2007 gave a maximum hourly two way traffic flow of 25 vehicles and a total of 195 vehicles over the 12 hour survey period. The limited number of additional vehicular movements likely to result from the occupation of the proposed dwelling would not, in my view, materially increase the above and would, in all probability, be within normal daily fluctuations. Interested persons question the mid-week traffic survey, suggesting that traffic volumes are much higher on weekends, especially during the summer months. However, that would result in the percentage increase from occupation of the proposed dwelling being even less. As a result, I conclude that occupation of the development would not materially exacerbate any existing conflict between pedestrians and vehicles on the highway fronting the site.
10. The appellant suggests that implementing the disputed condition would be harmful to the character and appearance of Pengorffwysfa. This is an important consideration in view of the hamlet's location within an Area of Outstanding Natural Beauty. Nonetheless, given that the width required was reduced from the usual 2m and that there are some other lengths of footway in Pengorffwysfa; I find no conflict with the objective of conserving the area's natural beauty.
11. The appellant also notes that no equivalent condition was imposed on planning permission Ref: 24C279 relating to the demolition of an existing outbuilding together with the erection of a new dwelling and construction of a new access at Tyddyn Bach, Pengorffwysfa. However, that site is right on the periphery of the hamlet such that the circumstances of the two cases are not directly comparable.
12. For the reasons given above I conclude that condition 3 does not satisfy the tests of Circular 35/95, in that it is not justified by the nature of the development permitted or its effect on the surroundings. Its removal would not materially harm highway safety on the unclassified road fronting the site or result in conflict with the *Gwynedd Structure Plan*, *Ynys Môn Local Plan*, and stopped *Ynys Môn Unitary Development Plan*. The appeal should, therefore, succeed and I will vary the planning permission by deleting the disputed condition.

E Jones

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Rh Davies	CDN Planning (Wales) Ltd.
Mr N Marland	WM Design + Architecture Ltd.
Mr A & Mrs P Barker	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Davies	Isle of Anglesey County Council
Mr J R W Owen	Isle of Anglesey County Council
Mr R Eames	Isle of Anglesey County Council

INTERESTED PERSONS:

Cllr A Morris Jones	Local member
Mr G Morris Jones	Campaign for the Protection of Rural Wales
Mr J C Jones	Local resident

Yr Arolygiaeth Gynllunio



The Planning Inspectorate

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Mr D F Jones
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Your Ref / Eich Cyf 30C26E
Our Ref / Ein Cyf APP/L6805/A/10/2121580/WF
Date / Dyddiad 9 June 2010

Dear Mr Jones

**Town and Country Planning Act 1990
Appeal by Mr Steve Alexander
Site at The Lodge, 17 Bay View Road, Benllech, LL74 8TT**

Further to our letter of 25 May 2010, I am enclosing a copy of the corrected decision on the above appeal, in pursuance of Section 56(2) of the Planning and Compulsory Purchase Act 2004.

The decision corrects that issued on 24 May 2010 by amending paragraph 1 on page 1 of the decision letter, where the Inspector refers to "application Ref **302C6E**" to correctly read "application Ref **30C26E**..."

A separate note is enclosed setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

This letter is for information only and no reply is necessary.

Yours sincerely

Matt Duffy

Matt Duffy

Rydym yn Croesawu Gohebiaeth yn Gymraeg a Saesneg

We Welcome Communications in Welsh and English





Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 8/04/10

Appeal Decision

Site visit made on 8/04/10

gan/by G P Thomas BA(Hons) DMS MRTPI

Arolygydd a benodir gan Weinidogion
Cymru

an Inspector appointed by the Welsh
Ministers

Dyddiad/Date 09/06/10

Cyf yr Apêl: APP/L6805/A/10/2121580

Cyfeiriad y safle: The Lodge 17 Bay View Road, Benllech LL74 8TT

Mae Gweinidogion Cymru wedi trosglwyddo'r awdurdod i benderfynu ar yr apêl hon i mi fel yr Arolygydd penodedig.

- Gwneir yr apêl o dan adran 78 o Ddeddf Cynllunio Gwlad a Thref 1990 yn erbyn penderfyniad i roi caniatâd cynllunio'n ddarostyngedig i amodau.
- Gwneir yr apêl gan Mr Steve Alexander yn erbyn penderfyniad Cyngor Sir Ynys Môn.
- Cymeradwywyd y cais Cyf 30C26E, dyddiedig 22 Chwefror 2009, ar 31 Gorffennaf 2009 a rhoddwyd caniatâd cynllunio'n ddarostyngedig i amodau.
- Y datblygiad a ganiateir yw: *Newid defnydd y cartref gofal/annedd bresennol i annedd.*
- Yr amodau y ceir dadl yn eu cylch yw Rhif 02 a 04 sy'n nodi:
 - 02 Caiff y datblygiad a ganiateir drwy'r caniatâd hwn ei gwblhau yn unol â'r cynllun/cynlluniau a gyflwynwyd o dan gais cynllunio cyfeirnod 30C26E a'r cynllun y cyfeirir ato yn amod (04).
 - 04 Ni fydd y defnydd a ganiateir drwy hyn yn dechrau nes bod y trefniadau parcio fel y'u dangosir ar y cynllun atodedig ynghyd ag ail-osod y cwrbyn wedi'u cwblhau i foddhad ysgrifenedig yr Awdurdod Cynllunio Lleol.
- Y rheswm a roddir dros amod rhif 02 yw: *Er mwyn osgoi amheuaeth a'r rheswm a roddir dros amod rhif 04 yw: Er mwyn amwynder a diogelwch ar y ffyrdd.*

Penderfyniad

1. Caniatâf yr apêl a rhoddaf ganiatâd cynllunio i newid defnydd y cartref gofal/annedd bresennol i annedd yn y cyfeiriad a roddir uchod yn unol â'r cais Cyf 30C26E dyddiedig 22 Chwefror 2009, heb gydymffurfio ag amodau rhif 02 a 04 a osodwyd yn flaenorol ar ganiatâd cynllunio Cyf 30C26E dyddiedig 31 Gorffennaf 2009 ond yn ddarostyngedig i'r amodau eraill a osodwyd drwy hynny, cyn belled â bod yr un amodau yn parhau i fodoli ac yn gallu dod i rym ac yn ddarostyngedig i'r amod newydd canlynol:-

Ni fydd y defnydd a ganiateir drwy hyn yn dechrau hyd nes bod y cynllun parcio, y dulliau amgau a'r cwrbyn wedi'u hailosod yn unol â chynllun i'w gyflwyno i'r awdurdod cynllunio lleol ac i'w gymeradwyo ganddo'n ysgrifenedig. Cyflawnir y datblygiad yn unol â'r cynllun cymeradwy.

Y Prif Fater

2. P'un a yw'r amodau y ceir dadl yn eu cylch yn bodloni'r meini prawf a nodir yng nghylchlythyr 35/95 'Defnyddio Amodau mewn Caniatâd Cynllunio' [y Cylchlythyr].

Rhesymau

3. Ni ddangosodd unrhyw un o'r cynlluniau a gyflwynwyd gyda'r cais cynllunio ar 4 Chwefror 2009 unrhyw waith gweithredol. Fodd bynnag, yn dilyn penderfyniad apêl (APP/L6805/A/08/2088234), cyflwynwyd dyluniad diwygiedig [Cynllun Bloc – Diwygiad 04 Mawrth, 2009] yn dangos trefniadau parcio diwygiedig a gwaith gweithredol.

Amod 02

4. Nid yw defnyddio'r term 'cynllun/cynlluniau' yng ngeiriad yr amod yn glir gan nad oes sicrwydd a yw'r cyfeiriad yn unigol neu'n lluosog ac, os yw'n lluosog, pa gynlluniau'n union y cyfeirir atynt. Mae cyflwyniadau'r Cyngor yn dadlau, ers i gynllun o'r dyddiad hwnnw ddangos i'r trefniadau parcio gael eu disodli, mae'r gofyniad parcio yr un peth ag y dangoswyd gan amod 04. Ni welaf fod hyn yn gwbl amlwg oherwydd geiriad trwsgl yr amod. Yn ogystal, o ystyried y diffyg gwaith gweithredol o ran y cynlluniau a gyflwynwyd ar 4 Chwefror 2009, nid yw'r amod, cyn belled ag y mae'n ymwneud â'r cynlluniau hynny, yn angenrheidiol.
5. Casglaf gan fod diffyg cywirdeb i'r amod hwn ac nad yw'n angenrheidiol, nid yw'n bodloni'r meini prawf yn y Cylchlythyr.

Amod 04

6. Dangosodd adroddiad y swyddog i'r pwyllgor cynllunio fod (o ganlyniad i'r dyluniad diwygiedig rwyf wedi cyfeirio ato uchod) y cynnig yn cynnwys adfer y cwrt blaen i'w gyflwr blaenorol. Casglodd yr adroddiad y byddai'r cynnig, ymhlith pethau eraill, yn gwella diogelwch y ffyrdd.
7. Yn y pwyllgor, cynhyrchwyd cynllun arall gan aelod a dyna'r cynllun y cyfeirir ato yn amod 04. Ni chyflwynwyd unrhyw dystiolaeth ger fy mron i ddangos pam nad oedd y cynllun diwygiedig a gyflwynwyd gan yr apelydd yn dderbyniol neu pam yr ystyriwyd yn angenrheidiol gosod y cynllun a dablwyd yn y pwyllgor. Nid oes graddfa i'r cynllun hwnnw ac nid yw'n dangos trefniadau parcio fel y haeriwyd gan yr amod. Yn ogystal, mae'r wal fechan a ddangosir ar y cynllun yn ymestyn at dir nad yw o dan reolaeth yr apelydd.
8. O ystyried y methiannau hyn, casglaf nad yw'r amod yn bodloni'r meini prawf yn y Cylchlythyr gan nad oes modd ei orfodi; mae'n afresymol ac mae diffyg manylder yma.

Amod newydd

9. Cytunaf â'r Arolygydd presennol fod symud y wal fechan a gostwng y cwrbyn wedi niweidio cymeriad a golwg yr ardal gyfagos. Er mwyn sicrhau cynllun sy'n weledol dderbyniol, mae angen ailosod y cwrt blaen a'r cwrbyn. Rwyf wedi gosod amod priodol i sicrhau bod y gwaith yn cael ei wneud mewn ffordd amserol a phriodol.

Gwynedd P Thomas

Arolygydd



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 8/04/10

Appeal Decision

Site visit made on 8/04/10

gan/by G P Thomas BA(Hons) DMS MRTPI

Arolygydd a benodir gan Weinidogion
Cymru

an Inspector appointed by the Welsh
Ministers

Dyddiad/Date 09/06/10

Appeal Ref: APP/L6805/A/10/2121580

Site address: The Lodge 17 Bay View Road, Benllech LL74 8TT

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Steve Alexander against the decision of the Isle of Anglesey County Council.
- The application Ref 30C26E, dated 22 February 2009, was approved on 31 July 2009 and planning permission was granted subject to conditions.
- The development permitted is: *Change of use of the existing care home\dwelling into a dwelling.*
- The conditions in dispute are Nos 02 and 04 which state that:
 - 02 The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted on the 04/02/09 under planning application reference 30C26E and the plan referred to in condition (04).
 - 04 The use hereby approved shall not commence until the parking arrangements as shown on the attached plan along with the reinstatement of the kerbing has been completed to the written satisfaction of the Local Planning Authority.
- The reason given for condition No 02 is: *For the avoidance of doubt* and the reason given for condition No 04 is: *In the interests of amenity and highway safety.*

Decision

1. I allow the appeal and grant planning permission for the change of use of the existing care home\dwelling into a dwelling at the address given above in accordance with the application Ref 30C2CE dated 22 February 2009, without compliance with condition numbers 02 and 04 previously imposed on planning permission Ref 30C26E dated 31 July 2009 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:-

The use hereby approved shall not commence until the parking layout, means of enclosure and kerbing have been reinstated in accordance with a scheme to be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.

Main issue

2. Whether the disputed conditions satisfy the tests as set out in Circular 35/95 'The Use of Conditions in Planning Permissions' [the Circular].

Reasons

3. None of the plans submitted with the planning application on 4 February 2009 indicated any operational works. However, following an appeal decision [APP/L6805/A/08/2088234], an amended drawing [Block Plan – Revision 04 March, 2009] was submitted indicating revised car parking arrangements and operational works.

Condition 02

4. The use of the term 'plan(s)' in the wording of the condition is unclear since there is uncertainty as to whether the reference is singular or plural and, if in the plural, exactly which plans are being referred to. The Council's submissions argue that since the plan of that date showing the parking arrangements was superseded the parking requirement is as indicated by condition 04. I do not find this is readily apparent due to the confused wording of the condition. Furthermore, given the lack of any operational works in the plans that were submitted on 4 February 2009 the condition, insofar as it relates to those plans, is not necessary.
5. I conclude that since the wording of this condition lacks precision and is not necessary it does not satisfy the tests in the Circular.

Condition 04

6. The officer's report to the planning committee indicated that (as a result of the amended drawing I have referred to above) the proposal included the reinstatement of the forecourt to its former state. The report concluded that the proposal would, amongst other things, improve highway safety.
7. At the committee another plan was produced by a member and is the plan referred to in condition 04. No evidence has been placed before me indicating why the amended plan submitted by the appellant was not acceptable or why it was considered necessary to impose the plan that was tabled at the committee. That plan does not have a scale and does not show parking arrangements as asserted by the condition. Furthermore, the dwarf wall shown on the plan extends onto land that is not in the appellant's control.
8. Given these failings I conclude that the condition does not satisfy the tests in the Circular since it is not enforceable; is unreasonable and lacks precision.

New condition

9. I agree with the previous Inspector that the removal of the dwarf wall and the lowering of the kerb have harmed the character and appearance of the surrounding area. In order to ensure a visually acceptable scheme it is necessary to reinstate the forecourt and kerb. I have imposed an appropriate condition to ensure the works are carried out in a timely and appropriate manner.

Gwynedd P Thomas

Inspector



Penderfyniad ar Apêl

Ymweliad safle a wnaed ar 19/05/10

Appeal Decision

Site visit made on 19/05/10

gan/by Emyr Jones BSc(Hons) CEng MICE MCMI

**Arolygydd a benodir gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 10/06/10

Cyf yr Apêl: APP/L6805/A/10/2125185

Cyfeiriad y Safle: Tŷ Capel Caersalem, Mynydd Bodafon, Llannerchymedd LL71 8BG

Mae Gweinidogion Cymru wedi trosglwyddo'r awdurdod i benderfynu ar yr apêl hon i mi fel yr Arolygydd penodedig.

- Gwneir yr apêl o dan adran 78 o Ddeddf Cynllunio Gwlad a Thref 1990 yn erbyn gwrthod rhoi caniatâd cynllunio amlinellol.
- Gwneir yr apêl gan Mrs Mary Thorp yn erbyn penderfyniad Cyngor Sir Ynys Môn.
- Gwrthodwyd y cais, cyf 23C20C, dyddiedig 19 Hydref 2009, gan hysbysiad dyddiedig 11 Chwefror 2010.
- Y datblygiad arfaethedig yw codi estyniad un llawr yn y cefn.

Penderfyniad

1. Gwrthodaf yr apêl.

Prif fater

2. Ystyriaf mai'r prif fater yn yr achos hwn yw effaith y cynnig ar amodau byw preswylwyr preswyl cyfagos yng Nghapel Caersalem ac, yn benodol, preifatrwydd, eiddo yn edrych dros eiddo arall, effaith weledol, a darparu golau ddydd a golau haul.

Rhesymau

3. Mae'r apelydd yn nodi y byddai'r cynnig wedi bod yn ddatblygiad a ganiateir pe na bai'r annedd wedi ei hestyn yn flaenorol. Fodd bynnag, nid yw hynny'n cyfiawnhau diystyru'r angen i'w asesu yn erbyn polisïau cynllunio perthnasol ac ystyried yr holl ystyriaethau cynllunio o bwys.
4. Byddai'r estyniad cefn arfaethedig ar ffurf ystafell wydr o dan do llechi a fyddai'n taflu allan rhyw 3.6m o estyniad cefn Tŷ Capel Caersalem. Byddai'n uniongyrchol tu blaen i ffenestr llawr gwaelod ystafell y mae modd byw ynddi sy'n wynebu i'r de-orllewin, ac o fewn oddeutu 2.7m o'r ffenestr honno yn ystlyslun ochr y capel cyfagos a drosyd, sef Capel Caersalem. Yn y paragraffau sy'n dilyn, mae pob cyfeiriad at ffenestr yn gyfeiriad at y ffenestr benodol hon oni bai i mi amlygu i'r gwrthwyneb. Mae'r gwahaniad uchod yn sylweddol llai na'r hyn a argymhellir, gan *Nodyn Cyfarwyddyd 8* y Cyngor ar *Agosrwydd Datblygiad*. Cynlluniwyd yr argymhellion hyn i atal anheddau rhag edrych dros anheddau eraill a gerddi preifat yn ormodol, a darparu golygfa ddigonol.

5. Fodd bynnag, nid yw'r sefyllfa bresennol yn cydymffurfio â'r Nodyn Cyfarwyddyd sy'n disgwyl i ffenestri fod o leiaf 2.5m i 10.5m o'r ffin (yn dibynnu ar a yw'n brif wyneb, yn eilaidd neu'n drydyddol). Yn yr achos hwn, mae gardd gefn eiddo'r apêl yn estyn hyd at y ffenestr o ganlyniad i'r ffordd y rhannwyd y Capel a'r Tŷ Capel yn y gorffennol. Mae hyn yn golygu bod preswylwyr Capel Caersalem yn colli preifatrwydd sylweddol pan fyddant yn defnyddio ystafell y ffenestr dan sylw (fel y tystiolaethir gan eu defnydd o len Fenis) a phreswylwyr Tŷ Capel Caersalem pan fyddant yn defnyddio eu gardd gefn.
6. Gallai defnyddio gwydr tywyll yn y gweddolun sy'n wynebu'r ffenestr, fel yr awgrymwyd gan yr apelydd, fod yn ofynnol gan amod. Byddai hyn yn golygu na fyddai'r preswylwyr yn gallu gweld unrhyw beth pan fyddent yn defnyddio ystafell y ffenestr dan sylw a'r ystafell wydr, a byddai hyn felly yn atal unrhyw golli preifatrwydd ychwanegol. Gellid ychwanegu at y gwydr tywyll trwy ddefnyddio llenni, unwaith eto yn unol ag awgrym yr apelydd.
7. Fodd bynnag, byddai'r gweddolun yn wynebu Capel Caersalem yn cynnwys drws hefyd. Ar adegau, byddai mynd a dod trwy'r drws hwn yn debygol o arwain at gronni gweithgarwch tu blaen i'r ffenestr. Byddai hyn yn ychwanegu at y colli preifatrwydd y mae preswylwyr Capel Caersalem yn ei ddioddef ar hyn o bryd a byddai'n achosi niwed sylweddol i'w hamodau byw. O ganlyniad, mae'r cynnig yn gwrthdaro â pholisi 1 *Cynllun Lleol Ynys Môn* a pholisi GP1 *Cynllun Datblygu Unedol ataliedig Ynys Môn*.
8. Byddai'r cynnig yn effeithio ar yr olygfa trwy'r ffenestr i ryw raddau ond byddai golygfeydd pellach yn parhau tu hwnt i gornel yr ystafell wydr, ond ar ongl, ac ni fyddai'n arwain at effaith weledol drech ac ymwithiol.
9. Byddai gan yr ystafell wydr fondo a chrib ar uchder o 2.5m a 3.3m. Yn y man lle cynigir gwahanu, byddai'r rhain yn ddigon isel i osgoi gostyngiad sylweddol yn y golau gwasgarog a'r golau haul trwy'r ffenestr yn y prynhawn. Sylwaf hefyd fod gan yr ystafell dan sylw ffenestr arall sy'n wynebu i'r de-ddwyrain sy'n darparu ffynhonnell arall o olau gwasgarog, ynghyd â golau haul yn y bore.
10. Mae'r unig niwed sylweddol rwyf wedi sylwi arno yn dod o ymgorffori drws yn yr ystlyslun sy'n wynebu Capel Caersalem. Fodd bynnag, nid wyf yn caniatáu'r apêl yn amodol ar amod a fyddai'n gofyn i'r drws gael ei hepgor gan y byddai hwnnw'n gynnig gwahanol i'r hyn sy'n cael ei ystyried gan y Cyngor. Byddai wedi bod yn ofynnol ymgynghori â'r rhai y dylid ymgynghori â nhw ynghylch y mater hwnnw ac nid ydynt wedi cael y cyfle i wneud hynny.
11. Am y rhesymau a roddir uchod, casglaf y dylid gwrthod yr apêl.

E Jones

Arolygydd



Penderfyniad ar Apêl

Ymweliad safle a wnaed ar 19/05/10

Appeal Decision

Site visit made on 19/05/10

gan/by Emyr Jones BSc(Hons) CEng MICE MCI

**Arolygydd a benodir gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 10/06/10

Appeal Ref: APP/L6805/A/10/2125185

**Site address: Tŷ Capel Caersalem, Mynydd Bodafon, Llanerchymedd LL71
8BG**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs Mary Thorp against the decision of the Isle of Anglesey County Council.
- The application Ref 23C20C, dated 19 October 2009, was refused by notice dated 11 February 2010.
- The development proposed is the erection of a single storey rear extension.

Decision

1. I dismiss the appeal.

Main issue

2. I consider the main issue in this case to be the effect of the proposal on the living conditions of neighbouring residential occupiers at Capel Caersalem with particular regard to privacy and overlooking, visual impact, and the provision of daylight and sunlight.

Reasons

3. The appellant notes that the proposal would have been permitted development were it not for the fact that the dwelling has been previously extended. However, that does not justify setting aside the need to assess it against relevant planning policies and to consider all material planning considerations.
4. The proposed rear extension would take the form of a conservatory under a slate roof that would protrude some 3.6m from the rear elevation of Tŷ Capel Caersalem. It would be located directly in front, and within approximately 2.7m, of a south west facing ground floor habitable room window in the side elevation of the neighbouring converted Chapel at Capel Caersalem. In the following paragraphs all references to a window are to this particular one unless specifically indicated otherwise. The above separation is considerably less than recommended, by the Council's *Guidance Note: 8 on Proximity of Development*. These recommendations are designed to prevent excessive overlooking between dwellings and into private garden areas, and to provide an adequate outlook.

5. However, the existing situation is not compliant with the Guidance Note which expects windows to be a minimum of 2.5m to 10.5m from the boundary (depending on whether the aspect is main, secondary or tertiary). In this case, the appeal property's rear garden extends right up to the window as a result of the way that the Chapel and Chapel house have been split off from each other in the past. This causes substantial loss of privacy to the occupiers of Capel Caersalem when using the room served by the widow (as evidenced by the use of a Venetian blind) and the occupiers of Tŷ Capel Caersalem when using their rear garden.
6. The use of obscure glazing in the elevation facing the window, as suggested by the appellant, could be required by a condition. This would effectively prevent inter-visibility between the respective occupiers when using the room served by the window and the conservatory, thereby preventing any additional loss of privacy. The obscure glazing could be further supplemented by the use of blinds, again as suggested by the appellant.
7. However, the elevation facing Capel Caersalem would also include a door. Comings and goings through this door would, at times, be likely to result in a concentration of activity directly in front of the window. This would add to the loss of privacy currently experienced by the occupiers of Capel Caersalem and cause significant harm to their living conditions. As a result, the proposal conflicts with *Ynys Môn Local Plan* policy 1 and stopped *Ynys Môn Unitary Development Plan* policy GP1.
8. The proposal would impact on the outlook through the window to some extent, but more distant views would remain past the corner of the conservatory, albeit at an angle, and it would not be so bulky as to result in a dominant and oppressive visual impact.
9. The conservatory would have eaves and ridge heights in the region of 2.5m and 3.3m respectively. At the proposed separation, these would be low enough to avoid a substantial reduction in the diffuse lighting and afternoon sunlight received through the window. I also note that the room in question appears to have another window facing south east which provides another source of diffuse lighting as well as morning sunlight.
10. The only significant harm that I have identified stems from the incorporation of a door in the side elevation facing Capel Caersalem. However, I will not allow the appeal subject to a condition requiring the door to be omitted as that would be a different proposal from that considered by the Council and upon which those who should have been consulted have not had the opportunity to do so.
11. For the reasons given above I conclude that the appeal should be dismissed.

E Jones

Inspector



Penderfyniadau Apêl

Gwrandawriad a gynhaliwyd ar 05/05/10
Ymweliadau safleoedd a wnaed ar 05/05/10

Appeal Decisions

Hearing held on 05/05/10
Site visits made on 05/05/10

gan/by Emyr Jones BSc(Hons) CEng MICE MCMI

**Arolygydd a benodir gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 11/06/10

Cyf Apêl A: APP/L6805/A/10/2121575

**Cyfeiriad y Safle: Tir ger The Boat House, Drws y Coed, Glyn Garth,
Porthaethwy LL59 5NR**

Mae Gweinidogion Cymru wedi trosglwyddo'r awdurdod i benderfynu ar yr apêl hon i mi fel yr Arolygydd penodedig.

- Gwneir yr apêl o dan adran 78 o Ddeddf Cynllunio Gwlad a Thref 1990 yn erbyn penderfyniad i wrthod rhoi caniatâd cynllunio amlinellol.
- Gwneir yr apêl gan Mr G Cleaver yn erbyn penderfyniad Cyngor Sir Ynys Môn.
- Gwrthodwyd y cais Cyf 17C253F, dyddiedig 9 Medi 2009, drwy hysbysiad dyddiedig 17 Rhagfyr 2009.
- Codi un annedd newydd yw'r datblygiad arfaethedig.

Cyf Apêl B: APP/L6805/A/10/2121577

**Cyfeiriad y Safle: Tir gyferbyn â Rysgol Farm, Drws y Coed, Glyn Garth,
Porthaethwy LL59 5NR**

Mae Gweinidogion Cymru wedi trosglwyddo'r awdurdod i benderfynu ar yr apêl hon i mi fel yr Arolygydd penodedig.

- Gwneir yr apêl o dan adran 78 o Ddeddf Cynllunio Gwlad a Thref 1990 yn erbyn penderfyniad i wrthod rhoi caniatâd cynllunio amlinellol.
- Gwneir yr apêl gan Mr G Cleaver yn erbyn penderfyniad Cyngor Sir Ynys Môn.
- Gwrthodwyd y cais Cyf 17C253E, dyddiedig 9 Medi 2009, drwy hysbysiad dyddiedig 6 Ionawr 2010.
- Codi un annedd newydd yw'r datblygiad arfaethedig.

Penderfyniadau

1. Gwrthodaf y ddwy apêl.

Y Prif Faterion

2. Rwyf o'r farn mai'r prif fater yn y ddau achos yw effaith y cynnig, yn gyntaf, ar y rhywogaeth a warchodir ac, yn ail, ar gymeriad a golwg yr ardal gyfagos sy'n rhan o'r Ardal o Harddwch Naturiol Eithriadol (AHNE).

Materion Gweithdrefnol

3. Mae'r ddau gais yn rhoi disgrifiad o'r cynnig fel 'cynnig i godi un annedd – cais amlinellol', ond nid oes unrhyw awgrym pa faterion a oedd i'w hystyried fel rhan o'r cais. Mae'r ddau *Ddatganiad Dylunio a Mynediad (DDA)* yn nodi mai cynlluniau llawn ar gyfer un annedd yw'r cais perthnasol. Penderfynodd y Cyngor ar y ceisiadau ar y sail eu bod yn cynnwys mynediad a thirweddu. Yn y Gwrandawriad, esboniwyd bod hyn yn dilyn cytundeb gyda'r apelydd a bod y DDMau yn anghywir i ddisgrifio'r ceisiadau fel cynlluniau llawn. Rwy'n fodlon na chafwyd unrhyw ragfarn o ganlyniad a byddaf yn penderfynu ar yr apeliadau ar y sail bo mynediad a thirweddu'n ffurfio rhan o'r cynigion gyda golwg, trefn a graddfa yn cael eu cadw'n ôl i benderfynu arnynt yn y dyfodol.
4. Yn y Gwrandawriad, tynnwyd fy sylw at y ffaith fod y tir ag ymylon glas ar y ddau Gynllun Lleoliad yn cynnwys tir i'r de-orllewin o safle Apêl B ac sy'n cyd-ffinio ag ef ac nid yw o dan berchenogaeth neu reolaeth yr apelydd. Mae'r tir ym mherchenogaeth cymydog sy'n ymwybodol o'r ddau gynnig ac mae wedi cyflwyno sylwadau ar hynny ac rwyf o'r farn nad yw unrhyw ragfarn wedi deillio o'r gwall hwn.

Rhesymau – Apêl A

Rhywogaethau a warchodir

5. Nid oedd yr effaith ar rywogaethau a warchodir yn un o resymau'r Cyngor dros wrthod. Fodd bynnag, argymhellodd Cyngor Cefn Gwlad Cymru gynnal arolwg o rywogaethau a warchodir gan fod posibilrwydd bod ystlumod a/neu adar yn defnyddio coed ar y safle, ac y gallai'r gwaith arfaethedig effeithio arnynt. Ni ofynnodd y Cyngor am arolwg gan y teimlai y byddai hyn yn draul ddiangen o ystyried y bwriad i wrthod rhoi caniatâd cynllunio. Er hynny, dylai rhesymau dros wrthod fod yn gynhwysfawr fel bod gan apelyddion dealltwriaeth llawn o'r hyn sydd angen mynd i'r afael ag ef mewn unrhyw ailgyflwyniad yn y dyfodol.
6. Mae *Nodyn Cyngor Technegol 5: Cadwraeth Natur (TAN 5)* yn datgan ei fod yn hanfodol bod presenoldeb neu fel arall y rhywogaeth a warchodir, ac i'r graddfeydd y gallai'r datblygiad arfaethedig effeithio arnynt, gael ei ddirnad cyn rhoi'r caniatâd cynllunio. Fel arall, mae'n bosibl na fydd yr holl ystyriaethau sylweddol perthnasol eraill wedi eu hystyried wrth wneud y penderfyniad. Â'r TAN yn ei flaen i nodi na ddylid rhoi caniatâd cynllunio'n ddarostyngedig i amod bod arolygon rhywogaethau a warchodir yn cael eu cynnal, ac yn achos canfod rhywogaethau a warchodir, cyflwynir mesurau lliniaru i'w cymeradwyo.
7. Ni fyddai'r cynnig yn cynnwys symud unrhyw goed, ond mae'r safle yn cynnwys nifer o goed y mae CCC o'r farn y gallai rhywogaethau a warchodir, megis ystlumod, eu defnyddio ac mae'n bosibl y gallai'r cynnig amharu arnynt mewn rhyw ffordd, er enghraifft, defnyddio golau artiffisial. Gan nad oes unrhyw arolwg rhywogaethau a warchodir ger fy mron, gan fabwysiadu ymagwedd ragofalus TAN 5, ni allaf fod yn rhesymol fodlon na fyddai'r cynnig yn niweidio rhywogaethau a warchodir neu eu cynefinoedd.

Cymeriad a golwg

8. Mae safle'r apêl yn rhan o badog a llain cyd-ffiniol o goed,¹ sydd uwchben yr A545 i'r de. Mae ffin ogleddol y safle yn torri ar draws y padog tra bod y ffin orllewinol gyda chwrtill preswyl Bryn Cadnant, a leolir o fewn clwstwr o anheddau sy'n adnabyddus fel Cichle. O edrych arno o'r tir mawr, ar ochr gyferbyn y Fenai, gellir gweld rhan o'r padog yn glir fel llannerch mewn lleoliad coetir gyda'r llain goed i'r gorllewin yn ffurfio ffin weledol a ffisegol i ran gyd-ffiniol Cichle. Mae annedd yr apelydd yn Nhrws y Coed ymhellach i'r dwyrain ac mae'n ymddangos fel datblygiad gwasgaredig nad yw'n rhan o'r clwstwr.
9. Cyn belled ag y mae *Cynllun Lleol Ynys Môn* yn y cwestiwn, lleolir y safle yng nghefn gwlad agored. Yn absenoldeb unrhyw dystiolaeth bod y cynnig yn ymwneud ag annedd ar gyfer gweithiwr fferm neu goedwig amser llawn y mae'n rhaid iddo fyw ar y safle, mae'r cynnig yn gwrthdaro â pholisi 53 o'r Cynllun Lleol a pholisi A6 o *Gynllun Strwythur Gwynedd*.
10. Fodd bynnag, mae cynllun ataliedig Cynllun Datblygu Unedol Ynys Môn (CDU) yn dynodi Cichle fel pentrefan/clwstwr cefn gwlad. Mewn lleoliadau o'r fath, mae polisi HP5 yn gefnogol o anheddau unigol ar safleoedd 'mewnlenwi', ar y cyfan, neu safleoedd derbynol eraill sydd gyferbyn â'r rhan ddatblygedig o bentrefannau a chlystyrau gwledig, ar yr amod na fydd y datblygiad yn peri niwed amhriodol i gymeriad y grŵp neu unrhyw ymyrraeth weledol o ran y dirwedd o'i hamgylch. Er nad yw'n rhan o'r cynllun datblygu statudol, mae wedi bod yn destun Ymchwiliad ac mae'r fersiwn weithredol yn ymgorffori argymhellion CDU yr Arolygydd fel na ellir rhoi pwysau sylweddol iddo.
11. Lleolir y rhan fwyaf o'r safle o fewn fframwaith dangosol y CDU ar gyfer Cichle, ond nid ffin ddatblygu mo hyn, a ddarperir i leoli'r pentrefan/clwstwr yn unig. Gan nad yw'n cynrychioli bwlch bach mewn ffryntiad a ddatblygwyd fel arall, nid yw'n safle 'mewnlenwi'. Fodd bynnag, mae wedi'i leoli gyfagos (yn yr ystyr o fod ochr yn ochr neu'n agos) at Fryn Cadnant sydd o fewn rhan ddatblygedig Cichle, er drwy gynnwys rhan o'r lliain coed yn unig a byddai'n briodol asesu'r cynnig yn erbyn polisi HP5.
12. Er natur amlinellol y cais, o edrych arno o'r tir mawr a'r A545, byddai annedd yn y lleoliad arfaethedig yn ymddangos fel nodwedd fewnwithiol a fyddai'n ymestyn y tu hwnt i'r ffin naturiol a ffurfiwyd gan liain y coed, yn enwedig yn ystod misoedd y gaeaf. Felly byddai'r cynnig, yn niweidiol i gymeriad a golwg yr AHNE, lle mai'r prif amcan yw cadw a gwella ei harddwch naturiol. O ganlyniad, mae'n gwrthdaro â pholisïau Cynllun Lleol 1, 30, 42 a 48, polisïau Cynllun Strwythur D1, D4 A D29, yn ogystal â pholisïau CDU ataliedig GP1, GP2, HP5, EN1 ac EN2.
13. Mae unigolyn â buddiant yn cyfeirio at Benderfyniad Apêl Cyf: APP/L6805/A/09/2095192 yn ymwneud â chodi arfaethedig annedd a garej ar dir sy'n cyd-ffinio â Gerddi Glyn Garth. Fodd bynnag, roedd hwnnw'n ymwneud â chynnig nad oedd gyferbyn â phentrefan/clwstwr cefn gwlad a restrir ym mholisi HP5, fel na ellir gwneud unrhyw gymhariaeth ystyrlon rhwng y ddau gynnig.

¹ Yn y Gwrandawriad, derbyniodd yr apelydd y disgrifiad hwn er ei fod wedi'i ddisgrifio fel ei fod yn ffurfio rhan o'r chwrtill i Ddrws y Coed yn ei Ddatganiad i'r Gwrandawriad.

Ystyriaethau eraill

14. Mae unigolyn â buddiant yn awgrymu bod y safle yn gymharol anghygyrch drwy foddau cludiant amgen i'r car. Fodd bynnag, mae arosfannau bws gyda gwasanaethau rheolaidd o fewn 320m neu'n fras o'r safle ac mae llwybr troed ar yr A545 yn arwain at Borthaethwy, tua 1.4km i ffwrdd, lle mae ystod eang o siopau a gwasanaethau. Mae gwasanaethau eraill, gan gynnwys ysgol gynradd, i'w gweld yn Llandegfan sydd o fewn pellter cerdded/beicio.

Casgliad cyffredinol

15. Am y rhesymau a roddwyd uchod casglaf y dylid gwrthod yr apêl.

Rhesymau – Apêl B

Rhywogaethau a warchodir

16. Unwaith eto, nid oedd yr effaith ar rywogaethau a warchodir yn un o resymau'r Cyngor dros wrthod. Fodd bynnag, argymhellodd CCC arolwg o rywogaethau a warchodir gan ei fod yn bosibl bod ystlumod a/neu adar yn defnyddio coed ar y safle, ac y gallai'r gwaith arfaethedig effeithio arnynt. Ni ofynnodd y Cyngor am arolwg gan y teimlid y byddai hyn yn draul ddiangen o ystyried y bwriad i wrthod rhoi caniatâd cynllunio. Fodd bynnag, dylai rhesymau dros wrthod fod yn gynhwysfawr fel bod gan ymgeiswyr ddealltwriaeth lawn o'r hyn sydd angen mynd i'r afael ag ef o ran unrhyw ailgyflwyno yn y dyfodol.
17. Mae TAN 5 yn datgan ei fod yn hanfodol bod presenoldeb rhywogaethau a warchodir neu fel arall, ac i'r graddfeydd y gallai'r datblygiad arfaethedig effeithio arnynt, gael ei ddirnad cyn rhoi'r caniatâd cynllunio, fel arall mae'n bosibl na fydd yr holl ystyriaethau o bwys perthnasol wedi eu hystyried wrth wneud y penderfyniad. Â'r TAN yn ei flaen i nodi na ddylid rhoi caniatâd cynllunio'n ddarostyngedig i amodau bod arolygon rhywogaethau a warchodir yn cael eu cynnal, ac yn yr achos bod rhywogaethau a warchodir yn bresennol, y caiff mesurau lliniaru eu cyflwyno i'w cymeradwyo.
18. Byddai'r cynnig yn cynnwys cael gwared ar nifer o goed y mae CCC o'r farn y gallai rhywogaethau a warchodir eu defnyddio ar ffurf ystlumod.

Cymeriad a golwg

19. Mae safle'r apêl yn rhan o badog² arall wedi'i wahanu oddi wrth Lôn Ganol i'r gogledd-orllewin gan liain o goed yn amodol ar Orchymyn Cadw Coed (GCC) 64. Saif i'r gogledd-ddwyrain o Orffwysfa a leolir o fewn y clwstwr yng Nghichle. Mae wedi'i wahanu oddi wrth Orffwysfa gan y tir sydd wedi ei farcio'n anghywir ag ymylon glas ar y Cynlluniau Lleoliad sy'n cynnwys cymysgedd o goed aeddfed, sydd hefyd yn amodol ar y GCC, a phrysgwydd, gyda'r coed yn ffurfio ffin weledol a ffisegol i'r rhan hon o Gichle o edrych arnynt o Lôn Ganol a'r tir mawr.
20. Unwaith eto, saif y safle yng nghefn gwlad agored cyn belled ag y mae'r Cynllun Lleol yn y cwestiwn, ac yn absenoldeb unrhyw dystiolaeth fod y cynnig yn

² Yn y Gwrandawriad, derbyniodd yr apelydd y disgrifiad hwn er ei fod wedi'i ddisgrifio fel ei fod yn disgrifio rhan o'r cwrttil i Ddrws y Coed yn ei Ddatganiad i'r Gwrandawriad

ymwneud ag annedd ar gyfer gweithiwr fferm neu goedwigaeth amser llawn y mae'n rhaid iddo fyw ar y safle, mae'r cynnig yn gwrthdaro â Chynllun Lleol polisi 53 a Chynllun Fframwaith polisi A6.

21. Yn yr achos hwn, nid yw'r safle yn safle 'mewnlenni' ac nid yw'n sefyll yn union gyfagos â rhan ddatblygedig Cichle gan fod y tir sydd wedi ei farcio'n anghywir ag ymylon glas ac sy'n cynrychioli bwlch sylweddol rhyngddo ef a Gorffwysfa. Er y gallai rhan fach o'r safle fod wedi'i lleoli o fewn y ffrâm dangosol, fel y nodwyd yn flaenorol nid yw hynny ond yn ddigon i leoli'r pentrefan/clwstwr. O ganlyniad, rwyf o'r farn i'r Cyngor fynd ar gyfeiliorn wrth ystyried y cynnig yn erbyn polisi HP5 CDU a dylid fod wedi'u hystyried yn erbyn polisi HP6 CDU, sy'n ymwneud ag anheddau yng nghefn gwlad agored. Yn absenoldeb unrhyw dystiolaeth bod y cynnig yn ymwneud ag annedd ar gyfer gweithiwr fferm neu goedwigaeth y mae'n rhaid iddo fyw ar y safle, mae'r cynnig yn gwrthdaro â pholisi HP6.
22. Hefyd, er natur amlinellol y cais, o edrych arno o Lôn Ganol, ac i raddfeydd llai o'r tir mawr, byddai'r cynnig yn ymddangos fel nodwedd fewnwithiol ar ei phen ei hun a fyddai'n niweidiol i gymeriad a golwg yr AHNE. O ganlyniad, mae hefyd yn gwrthdaro â pholisïau Cynlluniau Lleol 1, 30, 42 1 48, polisïau Cynlluniau Strwythur D1, D4 A D29, yn ogystal â pholisïau CDU ataliedig GP1, GP2, EN1 ac EN2.
23. Byddai'r cynnig hefyd yn arwain at golli chwe choeden yn uniongyrchol yn amodol ar y GCC ond mae tair o'r rhain yng nghategori R (mewn cyflwr fel y câi'r gwerth presennol ei golli o fewn 10 mlynedd) ac mae dwy (T16 a T17) yng nghategori C (o ansawdd a gwerth isel mewn cyflwr digonol ar hyn o bryd). Fodd bynnag, mae un (T19) yng Nghategori B (mewn cyflwr i wneud cyfraniad sylweddol) ac ymddengys y byddai'r fynedfa arfaethedig yn gorgyffwrdd â'r ardal ddiogelwch argymelledig o dair coeden arall. Mae un o'r rhain (T12) yng Nghategori A (mewn cyflwr i wneud cyfraniad sylweddol), gyda'r ddwy eraill (T18 a T23) yng nghategori B. Byddai'r gorgyffwrdd hwn yn cyflwyno risg ddifrifol i'w hiechyd yn yr hirdymor. Mae'n bosibl y gellid lliniaru'r risg hon, yn rhannol o leiaf, drwy ddefnyddio adeiladu mandyllog 'dim cloddio' ar gyfer y dreif a chan leihau ei led, ond nid oes gennyf unrhyw fanylion y byddai'n fy ngalluogi i ddod i gasgliad o'r fath.
24. Byddai cael gwared ar hyd at gyfanswm o ddeg coeden yn arwain at fwllch sylweddol o ran y gorchudd a byddai hyn yn cynyddu'r risg o wynt yn chwythu i'r coed sy'n weddill. Dim ond cyfran fach o'r coed yn yr ardal sydd yng Nghategoriâu A a B, a byddai colli hyd at bedair ohonynt yn arwyddocaol gydag unrhyw goed newydd yn cymryd cryn amser i gyrraedd uchder lle y byddent yn gwneud cyfraniad gwerthfawr. Am y rhesymau uchod, byddai effaith y cynnig ar goed yn amodol ar GCC yn achosi niwed pellach i gymeriad a golwg yr AHNE. Byddai hyn yn gwrthdaro â Chynllun Lleol polisi 32, Cynllun Strwythur polisi D14 a pholisi CDU ataliedig polisi EN14.
25. Nid yw fy nghasgliadau ar y prif fater hwn yn anghyson â'r rheiny ym Mhenderfyniad Apêl Cyf: APP/L6805/A/09/2095192, er mai gardd gaeedig yn hytrach na phadog oedd y safle yn yr achos hwnnw.

Ystyriaethau eraill

26. Mae unigolyn â buddiant yn awgrymu bod y safle yn gymharol anhygyrch drwy foddau teithio amgen i'r car. Fodd bynnag, mae

arosfannau bws gyda gwasanaethau rheolaidd o fewn 300 metr yn fras o'r safle a byddai'n bosibl cerdded i'r A545 ac ar Bont Menai, tua 1.6 cilomedr i ffwrdd, lle mae ystod eang o siopau a gwasanaethau. Mae gwasanaethau pellach, gan gynnwys ysgol gynradd, i'w cael yn Llandegfan sydd o fewn pellter cerdded/beicio.

27. Mae gan unigolion eraill â buddiant bryderon o ran goblygiadau i ddiogelwch ffyrdd y fynedfa arfaethedig i Lôn Ganol. Fodd bynnag, nid yw'r awdurdod priffyrdd yn gwrthwynebu'r cynnig ac mae cynlluniau'r cais yn dangos y gellid darparu goleddau gweledd 70m i'r ddau gyfeiriad.

Casgliad cyffredinol

28. Am y rhesymau a roddwyd uchod dof i'r casgliad y dylid gwrthod yr apêl.

E Jones

Arolygydd

YMDDANGOSIADAU

AR RAN YR APELYDD:

Mr P Sedgwick	Sedgwick Associates
Mr G Cleaver	Apelydd

AR RAN YR AWDURDOD CYNLLUNIO LLEOL:

Mr D P Jones	Cyngor Sir Ynys Môn
Mr G E Jones	Cyngor Sir Ynys Môn
Mr E Henderson	Cyngor Sir Ynys Môn

UNIGOLION Â BUDDIANT:

Mr G M Jones	Ymgyrch Diogelu Cymru Wledig
Mr J King	Trigolyn Lleol
S a G P Schafer	Trigolion Lleol

DOGFENNAU

- 1 Ffotograffiaeth awyr, a gyflwynwyd gan Mr King
- 2 Cynllun Lleol polisi 53, a gyflwynwyd gan MR G M Jones
- 3 Ffotograff a dynnwyd ar yr A5 ar y tir mawr, a gyflwynwyd gan yr apelydd
- 4 Disgrifiad Cyffredinol o Ardal Gymeriad Tirwedd y Map Tir, a gyflwynwyd gan y Cyngor
- 5 Cynllun Strwythur polisi A2, Cynllun Lleol polisi 50, a pholisïau ataliedig y CDU EN4 (testun ategol) ac EN16, y gofynnwyd amdanynt gan yr Arolygydd



Penderfyniadau Apêl

Gwrandawriad a gynhaliwyd ar 05/05/10
Ymweliadau safleoedd a wnaed ar 05/05/10

Appeal Decisions

Hearing held on 05/05/10
Site visits made on 05/05/10

gan/by Emyr Jones BSc(Hons) CEng MICE MCMI

**Arolygydd a benodir gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 11/06/10

Appeal A Ref: APP/L6805/A/10/2121575

**Site address: Land opposite The Boat House, Drws y Coed, Glyn Garth, Menai
Bridge LL59 5NR**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr G Cleaver against the decision of the Isle of Anglesey County Council.
- The application Ref 17C253F, dated 9 September 2009, was refused by notice dated 17 December 2009.
- The development proposed is the erection of one new dwelling.

Appeal B Ref: APP/L6805/A/10/2121577

**Site address: Land opposite Rysgol Farm, Drws y Coed, Glyn Garth, Menai
Bridge LL59 5NR**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr G Cleaver against the decision of the Isle of Anglesey County Council.
- The application Ref 17C253E, dated 9 September 2009, was refused by notice dated 6 January 2010.
- The development proposed is the erection of one new dwelling.

Decisions

1. I dismiss both appeals.

Main issues

2. I consider the main issue in both cases to be the effect of the proposal on, firstly, protected species and, secondly, the character and appearance of the surrounding area which is part of a designated Area of Outstanding Natural Beauty (AONB).
-

Procedural matters

3. Both applications give the description of the proposal as 'proposed erection of one dwelling – outline application', but there is no indication of which matters were to be considered as part of the application. Both *Design and Access Statements* (DAS) note that the relevant application is for full plans for one dwelling. The Council determined the applications on the basis that they included access and landscaping. At the Hearing, it was clarified that this followed agreement with the appellant and that the DASs were wrong to describe the applications as being for full plans. I am satisfied that no prejudice has resulted and will determine the appeals on the basis that access and landscaping form part of the proposals with appearance, layout and scale being reserved for future determination.
4. At the Hearing, it was drawn to my attention that the land edged in blue on both Location Plans includes land to the south west of and immediately adjoining the Appeal B site which is not in the appellant's ownership or control. The land is in the ownership of a neighbour who is aware of both proposals and has submitted representations thereon and I am of the opinion that no prejudice has resulted from this error.

Reasons – Appeal A

Protected species

5. The impact on protected species was not one of the Council's reasons for refusal. However, the Countryside Council for Wales (CCW) recommended a protected species survey because there is a possibility that bats and/or birds are using trees at the site, and that they may be affected by the proposed work. The Council did not request a survey as it felt that this would be an unnecessary expense in view of the intention to refuse planning permission. Nonetheless, reasons for refusal should be comprehensive so that applicants have a full understanding of what needs to be addressed in any future resubmission.
6. *Technical Advice Note 5: Nature Conservation* (TAN 5) states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The TAN goes on to note that planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval.
7. The proposal would not involve the removal of any trees, but the site includes a number of trees which CCW consider may be used by protected species in the form of bats and it is possible that they could be disturbed in some way by the proposal, for example, the use of artificial lighting. As there is no protected species survey before me, adopting the precautionary approach of TAN 5, I cannot be reasonably satisfied that the proposal would not harm protected species or their habitats.

Character and appearance

8. The appeal site is part of a paddock and an adjoining belt of trees¹, which are elevated above the A545 immediately to the south. The site's northern boundary cuts across the paddock whilst the western boundary is with the residential curtilage of Bryn Cadnant, located within a cluster of dwellings known as Cichle. When viewed from the mainland, on the opposite side of the Menai Straits, part of the paddock can be clearly seen as a clearing in a woodland setting with the belt of trees to the west forming a visual and physical boundary to the adjoining part of Cichle. The appellant's dwelling at Drws y Coed is further to the east and has the appearance of sporadic development which is not part of the cluster.
9. Insofar as the *Ynys Môn Local Plan* is concerned, the site lies in open countryside. In the absence of any evidence that the proposal relates to a dwelling for a full-time farm or forestry worker who must live on the spot, the proposal conflicts with Local Plan policy 53 and *Gwynedd Structure Plan* policy A6.
10. However, the stopped *Ynys Môn Unitary Development Plan* (UDP) designates Cichle as a countryside hamlet/cluster. In such locations, policy HP5 is generally supportive of single dwellings on 'infill' sites, or other acceptable sites that are immediately adjacent to the developed part of the rural hamlets and clusters, provided that the development will not cause undue harm to the character of the group or any visual intrusion into the surrounding landscape. Although not part of the statutory development plan, it has been the subject of an Inquiry and the working version incorporates the UDP Inspector's recommendations such that it can be given significant weight.
11. Most of the site falls within the UDP's indicative frame for Cichle, but this is not a development boundary, being provided to locate the hamlet/cluster only. As it does not represent a small gap in an otherwise developed frontage, it is not an 'infill' site. Nonetheless, it does lie adjacent (in the sense of being alongside or neighbouring) to Bryn Cadnant which is within the developed part of Cichle, albeit only through the inclusion of part of the tree belt, and it would be appropriate to assess the proposal against policy HP5.
12. Notwithstanding the outline nature of the application, when viewed from the mainland and the A545, a dwelling at the proposed location would appear as an intrusive feature that would extend beyond the natural boundary formed by the tree belt, particularly during the winter months. The proposal would, therefore, be harmful to the character and appearance of the AONB, where the primary objective is the preservation and enhancement of its natural beauty. As a result, it conflicts with Local Plan policies 1, 30, 42 and 48, Structure Plan policies D1, D4 and D29, as well as stopped UDP policies GP1, GP2, HP5, EN1 and EN2.
13. An interested person refers to Appeal Decision Ref: APP/L6805/A/09/2095192 relating to the proposed erection of a dwelling and garage on land adjoining Glyn Garth Gardens. However, that related to a proposal that was not adjacent to a countryside hamlet/cluster listed in policy HP5, such that no meaningful comparison can be made between the two proposals.

¹ At the Hearing, the appellant accepted this description although he had described it as forming part of the curtilage to Drws y Coed in his Hearing Statement.

Other considerations

14. An interested person suggests that the site is relatively inaccessible by non-car modes of transport. However, there are bus stops with regular services within 320m or so of the site and a footway on the A545 leads to Menai Bridge, around 1.4km away, where there are a wide range of shops and services. Further services, including a primary school, are found in Llandegfan which is within walking/cycling distance.

Overall conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Reasons – Appeal B

Protected species

16. Again, the impact on protected species was not one of the Council's reasons for refusal. However, the CCW recommended a protected species survey because there is a possibility that bats and/or birds are using trees at the site, and that they may be affected by the proposed work. The Council did not request a survey as it felt that this would be an unnecessary expense in view of the intention to refuse planning permission. Nonetheless, reasons for refusal should be comprehensive so that applicants have a full understanding of what needs to be addressed in any future resubmission.
17. TAN 5 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The TAN goes on to note that planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval.
18. The proposal would involve the removal of a number of trees which CCW consider may be used by protected species in the form of bats. As there is no protected species survey before me, adopting the precautionary approach of TAN 5, I cannot be reasonably satisfied that the proposal would not harm protected species or their habitats.

Character and appearance

19. The appeal site is part of another paddock² separated from Lôn Ganol to the north west by a belt of trees subject to Tree Preservation Order (TPO) 64. It lies to the north east of Gorphwysfa which is located within the cluster at Cichle. It is separated from Gorphwysfa by the land incorrectly edged in blue on the Location Plans which comprises a mix of mature trees, also subject to the TPO, and scrub, with the trees forming a visual and physical boundary to this part of Cichle when

² At the Hearing, the appellant accepted this description although he had described it as forming part of the curtilage to Drws y Coed in his Hearing Statement.

seen from Lôn Ganol and the mainland. Parts of the paddock would remain beyond the south eastern and north eastern boundaries. When viewed from the mainland, part of the paddock can just be made out, but only when the trees between it and Drws y Coed are devoid of leaves.

20. Again, the site lies in open countryside insofar as the Local Plan is concerned, and, in the absence of any evidence that the proposal relates to a dwelling for a full-time farm or forestry worker who must live on the spot, the proposal conflicts with Local Plan policy 53 and Structure Plan policy A6.
21. In this case, the site is not an 'infill' site and it does not lie immediately adjacent to the developed part of Cichie because the land incorrectly edged in blue represents a considerable gap between it and Gorphwysfa. Whilst a small part of the site might lie inside the indicative frame, as previously noted that only serves to locate the hamlet/cluster. As a result, I am of the view that the Council erred in considering the proposal against UDP policy HP5 and it should have been considered against UDP policy HP6, which relates to dwellings in the open countryside. In the absence of any evidence that the proposal relates to a dwelling for a full-time farm or forestry worker who must live on the spot, the proposal conflicts with policy HP6.
22. Furthermore, notwithstanding the outline nature of the application, when viewed from Lôn Ganol, and to a lesser extent from the mainland, the proposal would appear as an isolated and intrusive feature that would be harmful to the character and appearance of the AONB. As a result, it also conflicts with Local Plan policies 1, 30, 42 & 48, Structure Plan policies D1, D4 & D29, as well as stopped UDP policies GP1, GP2, EN1 & EN2.
23. The proposal would also result in the direct loss of 6 trees subject to the TPO, but 3 of these are in Category R (in such a condition that existing value would be lost within 10 years) and 2 (T16 & T17) are in Category C (of low quality and value currently in adequate condition). However, 1 (T19) is in Category B (in a condition as to make a significant contribution) and it would appear that the proposed access would encroach onto the recommended protection area of 3 further trees. One of which (T12) is in Category A (in a condition as to make a substantial contribution), with the other 2 (T18 & T23) being in Category B. This encroachment would pose a serious risk to their long term health. It is possible that this risk could, in part at least, be mitigated by using a 'no-dig' porous construction for the driveway and reducing its width, but I have no details that would enable me to so conclude.
24. The removal of up to 10 trees in total would result in a considerable gap in the canopy and this would increase the risk of wind-blow to the remaining trees. Only a small proportion of the trees in the vicinity are in Categories A and B, and the loss of up to 4 of them would be significant with any replacements taking a considerable period to reach a height where they would make an appreciable contribution. For the above reasons, the impact of the proposal on trees subject to a TPO would cause further harm to the character and appearance of the AONB. This would conflict with Local Plan policy 32, Structure Plan policy D14, and stopped UDP policy EN14.
25. My conclusions on this main issue are not inconsistent with those in Appeal Decision Ref: APP/L6805/A/09/2095192, although the site in that case was an enclosed garden rather than a paddock.

Other considerations

26. An interested person suggests that the site is relatively inaccessible by non-car modes of transport. However, there are bus stops with regular services within 300m or so of the site and it would be possible to walk down to the A545 and on to Menai Bridge, around 1.6km away, where there are a wide range of shops and services. Further services, including a primary school, are found in Llandegfan which is within walking/cycling distance.
27. Other interested persons are concerned as to the highway safety implications of the proposed access onto Lôn Ganol. However, the highway authority does not object to the proposal and the application plans show that 70m visibility splays could be provided in both directions.

Overall conclusion

28. For the reasons given above I conclude that the appeal should be dismissed.

E Jones

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr P Sedgwick	Sedgwick Associates
Mr G Cleaver	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr D P Jones	Isle of Anglesey County Council
Mr G E Jones	Isle of Anglesey County Council
Mr E Henderson	Isle of Anglesey County Council

INTERESTED PERSONS:

Mr G M Jones	Campaign for the Protection of Rural Wales
Mr J King	Local resident
S & G P Schafer	Local residents

DOCUMENTS

- 1 Aerial photograph, submitted by Mr King
- 2 Local Plan policy 53, submitted by Mr G M Jones
- 3 Photograph taken from the A5 on the mainland, submitted by the appellant
- 4 Landmap Landscape Character Area General Description, submitted by the Council
- 5 Structure Plan policy A2, Local Plan policy 50, and Stopped UDP policies EN4 (supporting text) & EN16, requested by the Inspector