Response to the Local Planning Authority's Rebuttal

Additional Statement of Common Ground — Planning Conditions

Appellant: Louise Monico — Appeal CAS-04270-K6C4W6, Berllan Ddu, Pandy Lane, Llanbradach, Caerphilly

Geo Geography LLP | 26 July 2026

1. Context

1.1.1 Following the Appellant's Conditions Schedule sent to the Inspector and the Local Planning Authority on 23 July 2026, the Local Planning Authority has provided a Statement of Common Ground (Version 2, 24 July 2026) responding condition by condition, by way of rebuttal of the Appellant's proposed wording and commentary.

1.1.2 This note records where agreement has now been reached and sets out the Appellant's position on the points that remain in dispute, so that the Inspector has the benefit of both parties' full reasoning rather than only the more compressed exchanges recorded in the Statement of Common Ground table itself. It should be read alongside that table which we have tracked changes into and the Appellant's Conditions Schedule of 23 July 2026.

2. Matters Now Agreed

2.1.1 The following are recorded as agreed, subject to the Inspector's overall view of the conditions as a whole:

- Condition 5 (Ancillary buildings — revised details): the Local Planning Authority's suggested wording matches the Appellant's proposed 2-month submission/6-month implementation timescale, including the proviso for lightweight, moveable structures.
- Condition 6 (Parking area): the 2-month trigger is agreed; the Local Planning Authority raises no particular issue.
- Condition 7 (Vehicular access and visibility splays): the Local Planning Authority's suggested wording matches the Appellant's proposed wording (2 months to submit details, 6 months to construct).
- Condition 8 (Evidence of right of access): in light of the Land Registry title and official copy evidence provided, the Local Planning Authority now considers this condition may not be necessary. The Appellant agrees; if it is nonetheless retained, a 1-month period is agreed as sufficient, since the evidence has already been submitted.

- Condition 10 (Landscaping scheme): the 2-month trigger is not opposed by the Local Planning Authority.
- Condition 11 (Protection of existing trees and hedgerows): the Local Planning Authority raises no particular concern with the 2-month trigger.
- Condition 12 (Biodiversity Strategy): the 2-month trigger is accepted by the Local Planning Authority, subject to the Inspector's overall view of timescales.
- Condition 13 (Water Safety Management Plan): the Local Planning Authority raises no concerns with the 2-month/6-month periods.
- Condition 14 (Foul and grey water drainage): the Local Planning Authority's suggested wording matches the Appellant's proposed wording exactly, including the extension to grey water drainage.

3. Matters Remaining in Dispute

3.1. Condition 1: Approved plans and documents — Ecological Footprint Improvement Plan

3.1.1 The Appellant has never disputed that the plans and drawings listed are those submitted under application 25/0263/RET and require to be conditioned; the point at issue is limited to the Ecological Footprint Improvement Plan.

3.1.2 A document being 'a useful starting point' is not, of itself, a basis for making it an approved document enforceable by condition. Conditions — and documents relied on through them — must be necessary and precise; the Ecological Footprint Improvement Plan is discursive commentary rather than a scheme or calculation capable of being carried out. It also dates the Practice Guidance to 2019, when the correct date is October 2012, and describes the target as a flat 1.88 gha, omitting the 2.4 gha initial ceiling set by TAN6 paragraph 4.15.1.

3.1.3 The Ecological Footprint itself is properly captured in the EFA calculator submitted as Appendix 5 to the Management Plan, and is reviewed at Condition 3(a)'s Year 3 and Year 5 checkpoints. The Ecological Footprint Improvement Plan adds nothing to that and should not be included in the list of approved documents.

3.2. Phasing and Discontinuance (Condition 4)

3.2.1 The Local Planning Authority's rebuttal conflates two different things: the phasing programme, which the Guidance does not make a compulsory element of the Management Plan, and the Management Plan as a whole.

3.2.2 If the phasing strategy were separately conditioned with its own discontinuance trigger, the development could be found to be failing before the five-year point at which the Management Plan and the essential criteria are actually expected to be achieved under the Guidance - a result neither the policy nor the Management Plan provides for. It is not appropriate to condition something beyond the reach of the policy and the Guidance.

3.2.3 The Guidance already has its own clear measures for dealing with partial and full failure of an OPD - the red/yellow card mechanism and Exit Strategy at paragraphs 5.9–5.11, reflected in the Appellant's Condition 4. It would not be reasonable for the

Local Planning Authority to add a further, earlier, differently-triggered fall-away route alongside that mechanism.

3.3. Condition 3: Annual Monitoring Report — the 1.88 gha point

3.3.1 The Appellant welcomes the Local Planning Authority's confirmation that the amended Condition 3 is broadly acceptable, and invites the Local Planning Authority to confirm this in unambiguous terms.

3.3.2 On the suggestion that a requirement to achieve 1.88 gha over time, beyond year 5, should be added: 1.88 gha is referenced in the Guidance (TAN6 paragraph 4.15.1; Guidance paragraph 1.9) as a longer-term aspiration — a 'clear potential to move towards' that figure 'over time' — rather than a threshold verified at a specified date, in the way 2.4 gha is tested through the Year 3 and Year 5 EFAs. Converting it into a fixed, monitorable requirement goes beyond what the Guidance itself sets up.

3.3.3 As with the phasing point above, the Guidance's own mechanism for dealing with failure to progress (paragraphs 5.9–5.11) should not be varied or added to by a bespoke consequence tied to this aspiration.

3.4. Condition 9: Removal of Permitted Development Rights — the caravan proviso

3.4.1 The Appellant agrees that Parts 1, 2, 5, 6, 7 and 40 of Schedule 2 can properly be restricted, on the basis that this does not affect the caravan already sited and in residential use.

3.4.2 That caravan is the dwelling itself. It is authorised directly by this permission and identified in the approved plans and Management Plan, rather than sited in reliance on any Part 5 permitted development right. The Appellant asks that this be recorded expressly in the condition so that the general restriction on Part 5 is not read as calling the existing caravan into question.

3.4.3 If the Local Planning Authority does not agree wording to this effect, the Appellant asks that the Inspector address the point directly in the decision.

4. Closing

4.1.1 This note should be read alongside the Appellant's Conditions Schedule of 23 July 2026 and the Council's Statement of Common Ground (Version 2, 24 July 2026) with our comments tracked into it. Subject to the points above, the Appellant considers the parties are now close to agreement on the great majority of the conditions.