

REPORT OF THE DEVELOPMENT MANAGEMENT TEAM LEADER ON APPEALS

The following appeals have been lodged with the Authority and the current position of each is as follows:-

NP/19/0522/FUL Outline planning permission for 14 affordable housing units. Full planning permission for the change of use of land from 85 tents & tourers to 85 static caravans with associated landscaping, distributor roads and new sewage pumping station – Buttyland Caravan & Camping Park, Manorbier

Type Written Representations

Current Position The appeal has been allowed & the application for costs has also been allowed. A copy of the Inspectors decision is attached for your information.

NP/20/0279/FUL Development of Apple Tree Gallery and Penydre/Apple Tree Gallery parking bay. New doorway. Additional windows/roof lights. Partial change of use to residential – Apple Tree Gallery, Saundersfoot

Type Written Representations

Current Position The initial paperwork has been sent to the Inspectorate

NP/20/0230/FUL A One Planet Development consisting of Cabin (caravan) (104.4 m²), Greenhouse (65 m² in total), Compost toilet (9 m²), Barn (89.2 m²) with lean-to Goose House (19.4 m²) & PV array (69 m²) – Maes Gwenyn, Cilgwyn, Newport

Type Hearing

Current Position The initial paperwork has been sent to the Inspectorate.

NP/20/0435/FUL Demolition of existing garage & redevelopment as double garage with new dwelling over. Rear & side extensions and various alterations to Cottage – Hill Cottage, Little Haven

Type Written Representations

Current Position The initial paperwork has been sent to the Inspectorate



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/04/21

gan J P Tudor, BA (Hons), Cyfreithiwr
(ddim yn ymarfer)

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28/6/21

Appeal Decision

Site visit made on 13/04/21

by J P Tudor, BA (Hons), Solicitor (non-
practising)

an Inspector appointed by the Welsh Ministers

Date: 28/6/21

Appeal Ref: APP/L9503/A/21/3267928

**Site address: Buttyland Caravan & Camping Park, Station Road, Manorbier,
Tenby, SA70 7SN**

**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 and full planning permission.
 - The appeal is made by Mr Damian Brown (Buttyland Manor Ltd.) against the decision of Pembrokeshire Coast National Park Authority.
 - The application Ref: NP/19/0522/FUL dated 25 September 2019, was refused by notice dated 9 December 2020.
 - The development proposed is outline planning permission for 14 affordable housing units. Full planning permission for the change of use of land from 85 tents & tourers to 85 static caravans with associated landscaping, distributor roads and new sewage pumping station.
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Decision

1. The appeal is allowed and outline/full planning permission is granted for a hybrid planning application for outline planning permission (with all matters reserved) for 14 affordable housing units and full planning permission for the change of use of land from 85 tents and tourers to 85 static caravans with associated landscaping, distributor roads and new sewage pumping station at Buttyland Caravan & Camping Park, Station Road, Manorbier, Tenby, SA70 7SN in accordance with the terms of the application, Ref: NP/19/0522/FUL dated 25 September 2019, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Damian Brown (Buttyland Manor Ltd) against Pembrokeshire Coast National Park Authority (PCNPA). This application is the subject of a separate Decision.

Preliminary Matters and Background

3. The description of development on the appeal form differs from that on the application, which refers to 2 market dwellings subsequently omitted from the final amended proposal. PCNPA has determined the proposal on the basis of the description on the appeal form and I will do the same.

4. The development proposed is a hybrid scheme seeking outline permission for 14 affordable housing units with all matters reserved, and full planning permission for change of use from 70 seasonal tourer and 15 tent pitches to 85 static caravans and a new sewage pumping station. I have treated the plans relating to the outline proposal as indicative, as details of access, appearance, landscaping, layout and scale would be confirmed at the reserved matters stage.
5. The appeal site is a long-established touring caravan and camping park located on the eastern side of Station Road, not far from Manorbier railway station. The site is outside, but adjacent to, the Manorbier Station 'Rural Centre' boundary.¹ Therefore, according to Policy 7 of the Pembrokeshire Coast National Park Local Development Plan 2 (LDP)², it is considered to be in the countryside where development must be strictly controlled.
6. However, LDP Policy 7 also details some forms of development considered acceptable in the countryside, which include the release of land adjoining 'Centres' for affordable housing to meet an identified local need. PCNPA advises that there is a need for 18 affordable units annually in this area, which the proposal would contribute towards. While I understand that there is planning permission for affordable housing units at another site nearby, that housing is yet to be delivered.
7. The PCNPA Officer's Report to Committee recommended that the hybrid proposal should be approved and considered that it complied with the LPD, but the PCNPA Development Management Committee (DMC) took a different view.
8. A completed s106 Agreement has been supplied by the appellant during the course of the appeal. It relates to the transfer of land to the local housing authority or registered social landlord for provision of the affordable housing element of the proposal. It also includes provisions concerning ecological and landscaping management works and an associated management agreement. On the evidence before me and given that the outline proposal relates to 14 affordable housing units, which would be secured by the obligation, I am satisfied that the s106 Agreement meets the tests set out in Welsh Office Circular 13/97 'Planning Obligations'.

Main Issues

9. The main issues are the effect of the proposed development on:
 - highway safety and the efficient use of the surrounding road network;
 - the character and appearance of the Pembrokeshire Coast National Park (PCNP); and,
 - the living conditions of neighbouring occupiers, with regard to privacy and quality of life.

Reasons

Highway safety

10. PCNPA considers that the proposal would result in a significant increase in vehicle movements to and from the site which would adversely affect highway safety and the efficient movement of traffic on the immediate road network. Manorbier Community Council and some local residents have expressed similar concerns.

¹ As defined in the LDP Proposals Map

² Adopted September 2020

11. It is submitted by PCNPA that Station Road experiences significant congestion and highways safety issues, owing to its limited width and traffic volumes during certain times of the day, along with use by agricultural vehicles. PCNPA also alleges that both elements of the appeal proposal will result in additional vehicular trip generation during peak traffic flows on a daily and seasonal basis.
12. However, I note that the Highway Authority (HA)³ considers that replacing the touring pitches with static caravans will not lead to an increase in peak time traffic. Furthermore, its view is that the proposed change to static caravans is likely to improve highway safety in the area, as towed touring caravans and motorhomes would no longer be using the surrounding country roads to access the appeal site. With regard to the outline proposal for 14 affordable housing units, the HA indicates that the traffic generation associated with the houses was considered when the site was allocated for housing within the previous local development plan.⁴ While I have considered those matters, based on the evidence before me, I see no clear reason to disagree with the professional assessment of the HA.
13. While Station Road and other roads in the immediate area are relatively narrow, a 20mph speed limit zone runs south from the existing access. There is also a pavement with street lighting for pedestrians running along that stretch of the road, which passes the proposed access to the affordable housing, and on towards the school and bus stops at the junction with the A4139. Although the road is likely to be used by agricultural vehicles that is typical of many rural roads and does not necessarily give rise to unacceptable effects on highway safety.
14. As I observed on my site visit, the existing access to the caravan and camping park is of sufficient width to enable vehicles entering and leaving the site to pass each other, while there are also parking and turning areas within the site. There is an adequate level of visibility for drivers using the access. Although there is a bend in the road to the north, drivers turning into or leaving the site, who may be expected to exercise a reasonable degree of caution, should be able to do so relatively safely. Furthermore, the HA has not expressed concern about the existing access or the proposed accesses.
15. PCNPA's appeal statement refers to an increase in 15 units of accommodation, but as the change would be from 70 seasonal tourer and 15 seasonal tent pitches to 85 static caravans, there would not be an increase in the number of pitches. While the static caravans offer all-year round use, that would not necessarily result in a significant increase in traffic at peak times, as holidaymakers travelling to or from the site are likely to do so at various times of day. Congestion during school drop-off and pick-up times has been referred to by PCNPA and in other representations, but the peak of the tourism season is generally outside of school term-times.
16. The static caravans are described by PCNPA as '*capable of accommodating larger families than the traditional tourer or tent*'. However, while the supplied 'typical layout' for the proposed static caravans suggests that they would be three-bedroomed, many modern touring caravans, motorhomes and tents are sizeable and may accommodate similar numbers, albeit offering more limited internal living space. Therefore, I am not convinced that the static caravans would necessarily accommodate significantly greater numbers of people or, even if they did, that it would be likely to generate more traffic at peak times.

³ Pembrokeshire County Council

⁴ Although the site is no longer an allocated site within the new LDP

17. PCNPA suggests that, historically, previous applications at the site have been recommended for refusal by the HA. However, the appellant maintains that previous proposals were materially different and included a proposal to increase the number of units. The most recent similar proposal, under planning ref: NP/18/0559/FUL, does not appear to have been refused on highway safety grounds. In any event, my role is to consider the appeal proposal before me and the HA's assessment of that scheme.
18. Although the affordable housing would generate additional vehicle traffic, it is limited to 14 units and the HA has not objected. Furthermore, the site adjoins a Rural Centre which offers some services and facilities, including a school with capacity for additional pupils, religious establishments, a garden centre and eat-in/take-away food with some further facilities in Manorbier village, about a mile or so away. There are also sustainable transport options with nearby bus stops and Manorbier railway station close by. That context would reduce the need for future residents of the affordable houses to travel by car, at least for some journeys.
19. While there is another site nearby with permission, granted several years ago, for 23 affordable houses⁵, there is no compelling evidence before me to indicate that the surrounding roads cannot safely accommodate the cumulative demand, even if that permission were built out. Indeed, the granting of that other permission suggests that the road network must have been considered sufficient to serve additional residential development in the area.
20. PCNPA refers to the potential closure of Beaver's Hill unmanned level crossing, which it is suggested would significantly increase traffic along Station Road. However, while Network Rail (NR) has a long-term objective to close such crossings, discussions between transport planners at Pembrokeshire County Council and NR appear to have been ongoing for a number of years without any definitive timescale for closure of this particular crossing. Indeed, it appears that, most recently, an automatic barrier has been discussed to improve safety. In any case, impacts on the surrounding roads would need to be taken into account before any closure. Therefore, I give that matter limited weight in my deliberations. Moreover, the appeal proposal would remove the possibility of towed touring caravans associated with the appeal site using the crossing.
21. Given the above factors, I conclude that the proposal would not have an adverse effect on highway safety in the area or on the efficient use of the surrounding road network. Therefore, it would not conflict with Policy 60 of the LDP which, amongst other things, indicates that development will not be permitted where it would have an unacceptable effect on road safety or where associated traffic is likely to generate an unacceptable adverse effect on congested areas or at times of peak traffic flows.

Character and appearance

22. PCNPA considers that the proposed static caravans would result in an adverse impact on the immediate and wider landscape and on the special qualities of the Pembrokeshire Coast National Park (PCNP).
23. The appeal site is located within a highly sensitive landscape, lying as it does in the PCNP and comprising open fields and hedgerows. The appellant's Landscape and Visual Statement (LVS)⁶ also notes that the site is within Landscape Character Area 4 Manorbier/Freshwater East (LCA4). PCNP's Landscape Character Supplementary

⁵ NP/17/0283/FUL

⁶ Prepared by edp (the environmental dimension partnership)

Planning Guidance notes that, within LCA4, caravan parks and modern housing have eroded the visual quality of the landscape, in places.

24. Nevertheless, the proposal relates to a long-established caravan and camping site which would normally be occupied by tourer caravans, motorhomes, tents and vehicles during the summer months, with winter storage of caravans on the western field, where affordable housing is proposed. Therefore, there is already some landscape impact in its current use. Moreover, the scheme does not involve any expansion or enlargement of the existing site.
25. Natural Resources Wales (NRW) advises that the main views of the proposed development would be from The Ridgeway and its slopes to the north, with some visibility from Station Road and likely glimpses from the railway into Manorbier Station. It considers that there is relatively limited visibility of the site in the wider landscape, but that there are views, some of which are open, from higher ground. The appellant's LVS analyses views of the site from the surrounding area including from The Ridgeway to the north and includes supporting photographs. It finds that views back towards the site are largely limited to glimpsed views through gateways and from some road junctions or else from private roads and farmsteads. I viewed the site from several of the public vantage points identified in the LVS and observed that in medium and long distance public views, particularly from the higher ground to the north, this lowland site is frequently obscured by the undulating landscape or filtered by roadside hedgerow or vegetation and trees closer to the site. Moreover, where it can be seen, it is within the context of the existing built form of the settlement.
26. As I observed, there are limited close range views into the site from parts of Station Road through gaps in the hedgerow, while the proposed new access points would also offer passing views. Although static caravans are larger and likely to be more noticeable than tourers, there is already a static caravan site on the other side of Station Road and any adverse effect should be mitigated by the proposed landscaping scheme, which could be secured by condition.
27. The relative permanence of static caravans compared with tourers and tents, mostly present during the summer, along with the permanent housing, sewage pumping station, additional roadways and hard surfacing would change the character and appearance of the site. Nonetheless, static caravan schemes are potentially more amenable to effective landscaping and screening than touring and tent pitches, as they do not require the same amount of land to be kept clear to allow for the manoeuvring of large tourer caravans, motorhomes, trailer tents and the like. The proposed housing would be located in an area of the site to the west within the built form of Manorbier Station and would have a more limited visual impact, while the reserved matters stage would allow for further consideration of appropriate materials and landscaping.
28. The site boundaries comprise hedge banks with trees which already provide screening. There are some gaps and the screening effect would reduce to some degree during the winter months. Nevertheless, the majority of the existing trees and hedges are to be retained, although some hedge would be lost in creating the access to the pumping station. Furthermore, the proposed landscaping scheme will increase planting along boundaries and introduce some central planting and a wildlife area within the site, with associated environmental benefits. While NRW expressed initial concerns about the development, it has since confirmed that it does not object to the proposal. It notes that the revised and improved landscaping scheme, incorporating additional native tree planting, will assist in integrating the development within the landscape over time. Full details of the ecological and landscaping works and their future

maintenance are secured via the completed s106 Agreement. Overall therefore, I am satisfied that the proposed landscaping scheme would sufficiently mitigate the limited negative effects on the appearance of the countryside and the special qualities of the PCNP.

29. PCNPA maintains that increased numbers of residents and tourists along with increased traffic would reduce the tranquillity of this rural area. However, there would be no net change in the number of pitches at the caravan and camping site, albeit the period of use would be extended, and the affordable housing element is limited to 14 units. Given the nature of the proposed development and its location, adjacent to an existing settlement, I am not persuaded that the effect on the tranquillity of the area would be significant.
30. The proposal does not involve a physical extension of the existing caravan and camping site and the change in pitch type would not, for the reasons already given, result in an unacceptable adverse effect on the PCNP landscape either individually or cumulatively, when considered with the proposed affordable housing and pumping station. I note that the PCNPA Officer's Report to Committee, which recommended that the proposal should be approved, considers that the landscaping scheme would result in an overall environmental improvement in the appearance of the site and I take a similar view.
31. Given the above factors, I conclude that the proposed development would not, subject to appropriate conditions, have an adverse effect on the character and appearance of the PCNP or its special qualities. Therefore, the scheme would not conflict with Policies 8 or 14 of the LDP which, amongst other things, seek to conserve and enhance the special qualities of the PCNP and prevent significant visual intrusion or landscape character harm. Furthermore, it would comply with LDP Policies 38 and 41 which allow for limited caravan and camping development, including changes of pitch type within existing sites away from the coast, provided that there are, amongst other things, no unacceptable adverse effects, including cumulatively when considered in conjunction with other development in the locality.
32. LDP Policy 40, cited in the second reason for refusal within PCNPA's decision notice, relates to self-catering development, which the supporting text to the policy indicates does not include caravans. Therefore, it is not relevant to the proposal.

Living conditions of neighbouring occupiers

33. PCNPA's third reason for refusal indicates that the scale and siting of the development would result in a significant impact on the privacy and amenity of neighbouring occupiers.
34. The alleged impact on privacy is not explained or expanded upon in PCNPA's Appeal Statement. Given the existing caravan and camping use, the change to static caravans would not, taking account of the nature of the site and relationship with adjacent built forms, have a significant effect on the privacy of neighbouring occupiers. The affordable housing element is in outline with all matters reserved, with design details to be confirmed at the reserved matters stage. I see no reason why with appropriate design and layout the housing units should lead to significant overlooking of adjacent properties, including the school.
35. Policy 30 of the LDP states that development will not be permitted where it has an unacceptable effect on amenity, defined in the supporting text to the policy as '*those elements in the appearance and layout of town and countryside which make for a pleasant life rather than a mere existence.*' PCNPA submits that the cumulative effect

of the development in relation to traffic, visual intrusion, effects on openness and an increase in tourists and residents throughout the year would have an unacceptable impact upon the quality of life of those currently living in, and those travelling through, the area.

36. I have dealt with effects on traffic and visual impacts, including in relation to LDP Policy 14, within the first two main issues above. While the housing development would attract some additional residents to the area, that part of the site appears relatively self-contained and, in any event, the level of noise or other effects associated with residential use should not be unacceptable.
37. In terms of any increase in tourists, the number of pitches would remain the same and the site is a well-established caravan and camping park. Although the static caravans would be year round, the proposal should not result in a significant or unacceptable increase in noise or other negative effects.
38. Consequently, I conclude that the proposed development would not have any significant adverse effect on the living conditions of neighbouring occupiers with regard to privacy or their general quality of life. Therefore, there would be no conflict with LDP Policy 30.

Other Matters

39. In addition to the matters dealt with above, the Community Council and some local residents have raised a range of other concerns including effects relating to the proximity of Manorbier School to the proposed housing, overspill car parking for the clubhouse within the site, removal of part of the hedge bank, surface water flooding, electricity supply capacity and possible alternative locations for the sewage pumping station. Many of those issues are dealt with in the PCNPA Officer's Report to Committee, recommending approval of the scheme. In any event, although I have also considered those matters, they are not sufficient to lead me to alter my decision.

Conditions

40. PCNPA submitted a revised list of suggested conditions with its appeal statement, in the event that the appeal were allowed, which I have considered having regard to Welsh Government Circular 016/2014: 'The Use of Planning Conditions for Development Management'. I have made minor amendments and corrections where necessary. That includes in relation to the 'plans' condition (12), relating to the full planning permission, as it referred to some plans relevant to the outline permission, which were indicative only, and are dealt with by condition (20).

Conclusion

41. I have found that the proposed development would not compromise highway safety or the efficient use of the highway network or adversely affect the character and appearance of the PCNP, and that it would not harm the living conditions of neighbouring occupiers. The transfer of land and provision of 14 affordable housing units, secured via a s106 Agreement, weighs positively in favour of the proposal, as the appropriate provision of affordable housing is a key objective of the LDP. Policy 38 of the LDP, which deals with the 'Visitor Economy', refers to attracting visitors outside the peak season, which the proposed static caravans with year round use would facilitate, while preserving the environment of the PCNP. Overall therefore, I find that the proposal complies with the LDP and that there are no material considerations sufficient to justify a decision other than in accordance with the development plan.

42. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.
43. 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 ('the Act'). I consider that this decision is in accord with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the Act.

JP Tudor

INSPECTOR

Schedule of Conditions

General (Full and Outline permissions)

- 1) A construction phase traffic management plan shall be agreed in writing with the local planning authority including details of maximum vehicle sizes and numbers and routes to be used along with times at which deliveries will occur to avoid conflict with peak activities, and any measures required to maintain road safety. Prior to commencement of the development the details agreed under this plan shall be fully implemented and kept in place for the duration of the construction works.

Reason: To ensure adequate and safe access is achieved during the construction period. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Nationally Protected Sites and Species), 12 (Local Areas of Nature Conservation or Sites of Geological Interest), 14 (Conservation of the Pembrokeshire Coast National Park), Policy 30 (Amenity), and 60 (Impacts on Traffic).

- 2) No development, demolition or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme relating to the immediate landscape. The approved scheme shall include the following details: Arboricultural Impact Assessment (AIA) Arboricultural Method Statement (AMS) Landscaping details including: Hedgebank translocation, Wildflower species details. Landscape implementation and management, Arboricultural observation and adherence confirmation. The submitted scheme shall include a mix of larger growing tree species to include Oak, Aspen, Alder and Wild Cherry.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value. Policy: Local Development Plan - Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Nationally Protected Sites and Species), 12 (Local Areas of Nature Conservation or Sites of Geological Interest), 14 (Conservation of the Pembrokeshire Coast National Park), and 30 (Amenity).

- 3) No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. Policy: Local Development Plan – Policy 29 (Sustainable Design).

- 4) The proposed development is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto, protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. Policy: Local Development Plan - Policy: 32 (Surface Water Drainage).

- 5) Works must be undertaken in strict accordance with the Extended Phase 1 Habitat Survey - June 2020.

Reason: To ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected, and to protect and enhance the character and appearance of the site and its setting within the Pembrokeshire Coast National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Nationally Protected Sites and Species), 12 (Local Areas of Nature Conservation or Sites of Geological Interest), and 14 (Conservation of the Pembrokeshire Coast National Park).

- 6) A biodiversity enhancement scheme to include provision of an integrated bird or bat box on each new dwelling, in an appropriate location away from any external lighting shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancement scheme shall be undertaken and/or installed prior to the first beneficial use of the development hereby approved, in accordance with the approved details.

Reason: In the interests of maintaining a suitable scheme for protected species and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value. Policy: Local Development Plan - Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Nationally Protected Sites and Species), 12 (Local Areas of Nature Conservation or Sites of Geological Interest), 14 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).

- 7) Any external lighting on the proposed dwellings must be low level, downward facing, hooded and on a PIR activated timer.

Reason: To ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected, and to protect and enhance the character and appearance of the site and its setting within the Pembrokeshire Coast National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Nationally Protected Sites and Species), 12 (Local Areas of Nature Conservation or Sites of Geological Interest), and 14 (Conservation of the Pembrokeshire Coast National Park).

- 8) No development shall commence until a scheme for the provision of electronic vehicle charging points has been submitted to and approved by the local planning authority. The details shall then be implemented as approved and charging points shall remain available for such use and maintained in working order for the lifetime of the development.

Reason: In the interest of encouraging sustainable transport use. Policy: Local Development Plan- Policy 59 (Sustainable Transport)

Full Planning Permission (Caravan Site)

- 9) The off-street parking facilities (for all vehicles, including cycles) shown on the approved plans shall be provided before any unit is occupied for the approved use as holiday accommodation, and thereafter retained for that purpose.

Reason: To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area. Policy: Local Development Plan - Policy 60 (Impacts on Traffic).

- 10) Prior to the commencement of development, full construction details for the pedestrian footpath providing access onto Station Road along with details of any gates or boundary treatment shall be submitted to and approved in writing by the local

planning authority. The footpath shall then be constructed in accordance with the approved details before any static caravan is occupied as holiday accommodation and it shall be retained available for such use in perpetuity.

Reason: In the interest of encouraging reduced car usage and improve pedestrian access and highway safety. Policy: Local Development Plan- Policy 59 (Sustainable Transport), Policy 60 (Impacts on Traffic).

- 11) The development of the 85 Static Caravan units and associated works shall begin not later than five years from the date of this decision.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990.

- 12) The development shall be carried out in accordance with the following approved plans: Drawing Nos 849/LOC/Rev G, 849/Exist/Rev E, 849/Eng/Rev G, 849/MAS/Rev G, 849/200/01/Rev A, 849/RECY, 849/Workshop, Suggested Materials Palette, EDP5474_d001f, 19381/01, 19381/P1, 19381/P2 and 19381/P3.

Reason: In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

- 13) The development hereby permitted shall be carried out in accordance with the submitted plans and details, with no more than 85 static caravans as defined within the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 sited at any one time in the positions shown on the approved drawing reference: EDP5474_d001f (Dated: 03.07.2020).

Reason: In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

- 14) The caravan(s) shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up-to-date register shall be kept at the holiday accommodation reception building and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason: In order to ensure that the accommodation is occupied solely for holiday letting purposes only and not for any other residential purpose. Policy: Local Development Plan – Policy 41 (Caravan, Camping and Chalet Development), para 4.220 (supporting text).

- 15) Details of secure refuse storage facilities and collection arrangements shall be submitted to and approved in writing by the local planning authority prior to the development being brought into beneficial use. The approved details shall be implemented prior to the occupancy of a caravan and shall be retained and maintained in clean working order in accordance with the approved details.

Reason: In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

- 16) Notwithstanding the details submitted on the colours for the wall cladding on the static caravans and associated decking, Sierra Brown colour is to be used on the wall cladding and associated decking.

Reason: In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

- 17) Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995, no development within Parts 4 and 5 of Schedule 2 (relating to temporary buildings, uses and caravan sites) to that Order (or any Order revoking or re-enacting that Order) shall be carried out without specific planning permission being obtained.

Reason: To preserve the character of the area. Policy: Local Development Plan - Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).

Outline Planning Permission (Affordable Housing Site)

- 18) Any application for approval of the reserved matters on the 14 new affordable dwellings and associated development shall be made to the local planning authority not later than three years from the date of this decision.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 19) The development of the 14 new affordable dwellings shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 20) The reserved matters application(s) shall follow the scaled parameters for all the 14 new affordable dwellings within the development site as set out on drawing references: 849/Type1/Rev A, 849/Type3/Rev A, 849/Type4/Rev A, 849/Type5/Rev A & 849/Type6/Rev A (All received by the local planning authority on 01.10.2019). The development shall be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area. Policy: Local Development Plan - Policies 1 (National Park Purposes and Duty), Policy 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park), 29 (Sustainable Design) and 30 (Amenity).

- 21) Detailed plans shall be submitted to the local planning authority showing levels, gradients and construction for the estate road, and to include details of the collection and disposal of surface water from the access road, and these plans must be approved before any construction work commences on site.

Reason: To ensure a satisfactory standard of estate road design. Policy: Local Development Plan - Policy 60 (Impacts on Traffic).

- 22) Before any housing construction work is commenced the access, estate road and turning area must be constructed up to and including road base level and be suitably drained for the use of construction traffic and approved visibility splays constructed.

Reason: In the interests of road safety and to ensure that no deleterious material is carried onto the road. Policy: Local Development Plan - Policy 60 (Impacts on Traffic).

23) Before any housing construction work is commenced adequate and suitable areas shall be provided within the site for the parking and turning, loading and unloading of all vehicles attracted to the site and for the storage of building materials clear of the public highway.

Reason: To reduce the likelihood of obstruction of the highway or danger to road users. Policy: Local Development Plan - Policy 60 (Impacts on Traffic).

24) Before any affordable dwelling is occupied the access roads and footways from the existing public highway shall be laid out and constructed to at least surface base course levels up to that dwelling.

Reason: In the interests of public amenity and convenience. Policy: Local Development Plan - Policy 60 (Impacts on Traffic).

25) Prior to the occupation of any dwelling, the off-street parking facilities shall be provided in accordance with the approved plans and shall be thereafter retained for the lifetime of the development.

Reason: To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area. Policy: Local Development Plan - Policy 60 (Impacts on Traffic) and Policy 30 (Amenity).

26) Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995, no development within Parts 1, 2 and 5 of Schedule 2 (relating to extensions to, and changes to the external appearance of, the dwelling and to development or the siting of a caravan within the curtilage of the dwelling house) to that Order (or any Order revoking or re-enacting that Order) shall be carried out without specific planning permission being obtained.

Reason: To preserve the character and appearance of the area. Local Development Plan - Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).

27) Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order) any electricity or telephone supplies to the site shall be by underground cables.

Reason: To preserve the character and appearance of the area. Policy: Local Development Plan - Policies 1 (National Park Purposes and Duty) and 14 (Conservation of the Pembrokeshire Coast National Park).

End of Schedule



Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 13/04/21

gan **J P Tudor, BA (Hons), Cyfreithiwr (ddim yn ymarfer)**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28/6/21

Costs Decision

Site visit made on 13/04/21

by **J P Tudor, BA (Hons), Solicitor (non-practising)**

an Inspector appointed by the Welsh Ministers

Date: 28/6/21

Costs application in relation to Appeal Ref: APP/L9503/A/21/3267928

Site address: Buttyland Caravan & Camping Park, Station Road, Manorbier, Tenby, SA70 7SN

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6.
 - The application is made by Mr Damian Brown (Buttyland Manor Ltd.) for a full award of costs against Pembrokeshire Coast National Park Authority.
 - The appeal was against the refusal of planning permission for outline planning permission for 14 affordable housing units. Full planning permission for the change of use of land from 85 tents & tourers to 85 static caravans with associated landscaping, distributor roads and new sewage pumping station.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

The Submission for Mr Damian Brown (Buttyland Manor Ltd.)

2. The Applicant's case was submitted in writing.

The Response by Pembrokeshire Coast National Park Authority (PCNPA)

3. PCNPA's response was submitted in writing.

Reasons

4. The Welsh Government's Development Management Manual - Section 12 Annex: Award of Costs (the Annex) states that an appellant or applicant is not awarded costs simply because their appeal succeeds. An award of costs may only be made where one party has behaved unreasonably and that unreasonable behaviour has led other parties to incur unnecessary or wasted expense.¹
5. The applicant submits that PCNPA acted unreasonably, with respect to the substance of the matter under appeal, by refusing the proposal against the clear advice of its Officers who recommended approval.

¹ Paragraph 1.2 Development Management Manual - Section 12 Annex: Award of Costs: May 2017

6. The three reasons given for refusal related to alleged effects on highways, landscape and the living conditions of neighbouring occupiers, which are considered within the main appeal decision. Those matters had all been assessed in some detail within the Officer's Report to PCNPA's Development Management Committee (DMC). The proposed scheme was considered acceptable by Officers, subject to appropriate conditions and the completion of a s106 Agreement. The provision of affordable housing was also considered by Officers to weigh in favour of the scheme.
7. The proposal was considered at three DMC meetings², which included the deferral of a decision to allow for a site visit and a subsequent cooling-off period, invoked because the DMC were minded to refuse contrary to Officer recommendation, and because of the affordable housing element of the scheme.
8. With regard to highway issues, while concerns were expressed at the DMC, it was reported to each meeting that the Highway Authority (HA), which may be considered to possess expertise in such matters, were satisfied that the hybrid scheme would not result in a significant increase in vehicle movements at peak times or have adverse effects on highway safety.
9. Reference is made in the minutes of the DMC meeting of 9 December 2020 and in PCNPA's appeal statement to the possible closure of a nearby level crossing, with potential effects on the volumes of traffic using Station Road. However, as I found in the main appeal decision, that relates to a general objective of Network Rail to close unmanned level crossings of that type. While discussions appear to have taken place over a number of years, no definitive timescale for the closure of the relevant crossing at Beaver's Hill appears to have been set or agreed. Other measures have been discussed to address safety concerns at the crossing, including the erection of automatic barriers. The cumulative effects of other developments in the area are also mentioned, with reference in PCNPA's appeal statement to permission granted some years ago for affordable housing nearby.
10. However, no clear or persuasive evidence has been provided by PCNPA to substantiate the alleged adverse effects on highway safety and on the efficient use of the road network, or to bring into question the professional technical advice of the HA, accepted by PCNPA's planning officers.
11. In respect of effects on landscape, although Officers and Natural Resources Wales (NRW) originally had concerns about the proposal, those concerns were fully addressed through revisions to the landscaping strategy, which Officers concluded would offer an overall environmental benefit. Essentially, in the main appeal, I agreed with PCNPA Officers and NRW that, given the existing use and that there would be no increase in the number of pitches or expansion of the site, the change from tourers and tents to static caravans with year round use would not result in harm, subject to appropriate landscaping. I found no conflict with local development plan policy which allows for limited caravan and camping development, including changes of pitch type within existing sites, provided that there are no unacceptable adverse cumulative effects. That finding also took account of the proposed housing element, which would be within the built form of Manorbier Station.
12. While I note the content of PCNPA's submissions, its appeal statement and have considered the minutes of the relevant DMC meetings, aside from general assertions about the landscape effects, there is no clear or detailed explanation or analysis of the reasons for departing from the professional advice of Officers and NRW's assessment.

² 2 September, 21 October and 9 December 2020

13. Turning now to alleged effects on the living conditions of neighbouring occupiers and quality of life. The relevant reason for refusal in PCNPA's decision notice refers to the scale and siting of the development as having a significant impact on the privacy of neighbouring properties. However, there is no explanation of the alleged effect on privacy within PCNPA's appeal statement or identification of the neighbouring properties affected. Therefore, there is nothing to substantiate that element of the reason for refusal.
14. With regard to general quality of life, the appeal statement does not clearly explain how that would be damaged beyond general reference to alleged landscape harm and increases in traffic, which have already been considered. Effects on neighbouring amenity appear to have been fully assessed within the Officer's Report to Committee along with related issues. The PCNPA appeal statement and DMC meeting minutes do not include any substantive information to dispute that assessment or demonstrate that the proposal would not comply with relevant LDP policy.
15. The Annex advises that: *'Local planning authorities are not bound to adopt the professional or technical advice given by their own officers or received from statutory consultees. However, they are expected to show that they had reasonable planning grounds for taking a decision contrary to such advice and that they are able to produce relevant evidence to support their decision. If they fail to do so, costs may be awarded against the authority.'*
16. The DMC were advised that refusing the scheme would be a significant departure from local and national policy.³ I am not satisfied that reasonable planning grounds supported by evidence, or any other material considerations, have been presented to justify taking a decision contrary to the professional and technical advice given. Therefore, I consider that PCNPA has behaved unreasonably in preventing or delaying a development which should clearly be permitted. That has led to unnecessary and wasted expense for the appellant in having to appeal.

Conclusion

17. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the Annex, has been demonstrated and that a full award of costs is justified.

Costs Order

18. In exercise of the powers under section 322C and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Pembrokeshire Coast National Park Authority shall pay to Mr Damian Brown (Buttyland Manor Ltd), the costs of the appeal proceedings described in the heading of this decision such costs to be assessed in the Senior Courts Costs Office if not agreed.
19. The applicant is now invited to submit to Pembrokeshire Coast National Park Authority, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

JP Tudor, INSPECTOR

³ DMC Meeting Minutes 21 October 2020 & para. 6.11 of PCNPA Appeal Statement.