

## 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/19/0678/S73** Section 73A application for the sub-division of host dwelling to include a linked holiday let unit – Ty Gwyn, Marloes  
**Type** Written Representations  
**Current Position** The appeal was allowed and a copy of the Inspectors decision is attached for your information

**NP/20/0263/CLP** Use as a caravan site for occupation as a person's sole or main place of residence – Park Farm Holiday Park, Manorbier  
**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 appeal was allowed and a copy of the Inspectors decision is attached for your information.

**NP/20/0421/OUT** Demolition of existing industrial buildings & erection of two dwellings (all matters reserved) – Former GWLA Concrete Works, Rear of 89 Nun Street, St Davids  
**Type** Written Representations  
**Current Position** The appeal has been dismissed and a copy of the Inspectors report is attached for your information.

**NP/20/0407/FUL** Demolition of existing garage/workshop, and other extensions. Modernisation of existing building and new two storey extension to form a change in use to provide Key worker accommodation (C3 class) which comprises, 18 No. self-contained studio rooms. The proposal provides 9 No. parking spaces at the front and rear of the property with one being a disabled space. There is also provision for six cycle stands at the rear – Coed-derw, St Brides Hill, Saundersfoot  
**Type** Written Representations  
**Current Position** The initial paperwork has been sent to the Inspectorate

**NP/20/0614/FUL** 6 affordable houses in association with 6 woodworking workshops, a community facility and a timber processing and drying facility – Pantmaenog Forest, Rosebush

**Type** Hearing

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



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 02/11/21

gan Paul Selby BEng (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07/01/2022

## Appeal Decision

Site visit made on 02/11/21

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 07/01/2022

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Appeal Ref: APP/L9503/A/21/3281670

Site address: Ty Gwyn, Marloes, Haverfordwest SA62 3BE

**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 planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Kevin Launders against the decision of Pembrokeshire Coast National Park Authority.
  - The application sought planning permission for the subdivision of the host dwelling to include a linked holiday let unit, without complying with conditions attached to planning permission Ref NP/18/0666/FUL, dated 16 January 2019.
  - The condition in dispute is No 6 which states: The static caravan identified on drawing reference: 01/D (received 20.06.2019) shall be permanently removed from the site within 6 months from the date of this consent and not replaced at any time.
  - The reason given for the condition is: To preserve the character of the area and in order to ensure that the structure is not used for any residential or commercial use. Policy: Local Development Plan, Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).
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### Decision

1. The appeal is allowed and planning permission is granted for the subdivision of the host dwelling to include a linked holiday let unit at Ty Gwyn, Marloes, Haverfordwest SA62 3BE, in accordance with the application ref NP/19/0678/S73, dated 11 December 2019, without compliance with condition number 6 previously imposed on planning permission ref NP/18/0666/FUL, dated 16 January 2019, but subject to the conditions set out in the schedule to this decision letter.

### Procedural Matters

2. Planning permission was granted in retrospect in 2019 for the subdivision of Ty Gwyn, to include a holiday let unit within the eastern end of the dwelling. In the intervening period the Authority has adopted the Pembrokeshire Coast National Park Local Development 2 (end date 2031) ('the LDP'). In coming to my decision I have had regard to the necessity and reasonableness of the disputed condition in the context of relevant policies of this replacement LDP.
  3. My attention has been drawn to a refused application for a Certificate of Lawfulness for an Existing Use or Development (CLEUD) on the appeal site. Whilst I have had regard to this, I note that the application for the CLEUD sought to establish the "lawful development
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for 2 no. C3 units (dwelling or holiday unit) – 4 year rule and ancillary caravan in the garden”, whereas the description of the permitted use (which is of prime relevance in this appeal) is the “subdivision of the host dwelling to include a linked holiday let unit”. To my mind the substance of these descriptions differs, in that the case before me is described as a dwelling to include a linked holiday let, rather than two units in C3 use which may both be used as holiday units. The submitted site plans reinforce this point, clearly referencing “the main use of Ty Gwyn dwelling” and ancillary structures connected to that dwelling and, separately, communal or discrete accommodation and facilities connected with the linked “holiday let”.

4. Consequently, I consider that the described uses which are found to be unlawful in the CLEUD do not correlate directly with those permitted under planning permission ref: NP/18/0666/FUL. Insofar as it relates to this appeal I therefore afford the CLEUD limited weight as a consequence. Whilst there is evidence, anecdotal and observed on my site visit, that both units may operate as holiday lets, I must consider the development as has been applied for, and it is on this basis that I have determined the appeal.

### **Main Issue**

5. The main issue is whether the disputed condition is necessary and reasonable in the interests of the character and appearance of the area and the living conditions of neighbouring occupants, having particular regard to outlook, privacy, noise and disturbance.

### **Reasons**

6. The appeal site accommodates a single storey residential property which has been subdivided into a 2-bedroom dwelling and an internally linked 1-bedroom holiday let. To the rear of Ty Gwyn is a shared patio and tended garden, the side boundaries of which are mainly marked by fences or hedges. At the garden’s terminus is a modest timber shed, the rear door of which provides access to the remainder of the appeal site. This rear part of the site, which is loosely bounded by hedges and scrub, mainly comprises grassland, and it accommodates a static caravan (the subject of this appeal) and a polytunnel. This rear part of the site lies outside the settlement boundary for Marloes designated by the Pembrokeshire Coast Local Development Plan 2 (‘the LDP’), whereas the remainder of the site lies within it.
7. The immediate area is predominantly residential in character. The dwellings of Greenacre and Elm Tree Cottage lie, respectively, to the appeal site’s west and east. Several properties in the vicinity appear as original single- or two-storey stone cottages, albeit many have been modified or extended in various ways. Interspersed with these are modest ancillary structures and more modern infill dwellings.
8. The local pattern of development is ad hoc, with little consistency in siting or placement of dwellings relative to public areas. Many property boundaries in the vicinity are loosely defined by scrub, lawns or gravelled areas. This includes an open strip of land between Ty Gwyn and Greenacre which provides vehicular access to the rear part of the appeal site. The informal appearance and nature of these boundary features afford this part of Marloes a naturalistic character which tangibly connects it to the rural coastal landscape in which it is experienced.
9. The appeal site and neighbouring dwellings feature rear gardens of varying lengths which adjoin fields or paddocks to the rear. The static caravan subject to this appeal, whilst of some length, is of modest height and its siting adjacent to hedgebanks and foliage to the rear of residential properties moderates its visual prominence.

10. The foliage which primarily screens the static caravan from public viewpoints is not, however, within the control of the appellant. The removal or thinning of this foliage, whether planned or accidental, would afford the caravan a more dominant appearance, to the extent that from some public viewpoints the colour and materials of the caravan's exterior would draw the eye. Any adverse impacts on the natural beauty of the National Park would, however, be acceptably mitigated via a condition to require the recladding of the caravan in a suitable material.
11. Whilst the static caravan is sited in close proximity to the rear boundary of Elm Tree Cottage, shrubs and hedgerows marking the shared boundary would somewhat moderate its visual prominence. In any case, the structure is well separated from Elm Tree Cottage and its modest height would have a limited effect on that property's outlook.
12. The static caravan features north-facing windows which directly face onto the adjacent garden. Whilst these have been boarded up this appears to be an informal measure. Irrespective of the actual use of the caravan, I consider that the removal or thinning of foliage which currently provides screening could give rise to a perception of overlooking within the adjacent garden which would materially affect the enjoyment of its use. A condition requiring the permanent recladding of the structure would, however, provide acceptable mitigation in this regard.
13. On my site visit I observed that the static caravan appears to be used as a carpentry/joinery workshop, and for storage. I noted that the local area offers a tranquil residential environment in which the use of the static caravan for woodworking would be readily audible from nearby properties, particularly when power tools were used, either within the static caravan or in adjoining areas. However, the scale of the workshop is modest and not uncharacteristic of a domestic outbuilding. Given the residential context, I do not consider that sporadic noise from power tools, either operated within outbuildings with limited noise attenuation, or in the polytunnel or garden, would be harmfully intrusive. The modest scale of the workshop area would also be likely to limit opportunities for the concurrent use of machinery by multiple operators.
14. Whilst it is alleged that the workshop operates as a commercial enterprise, I must determine the appeal on the basis of the description of development. Nuisance or pollution caused by bonfires or similar is covered by separate legislation and I afford this matter little weight.
15. I acknowledge that the appeal site also accommodates a holiday let, as well as a timber shed and polytunnel. However, irrespective of the siting of structures within the appeal site or relative to the designated settlement boundary, I do not consider the combined scale and nature of these structures/uses to be disproportionate to the scale of Ty Gwyn or unrelated to its use as a permanent dwelling. Nor, to my mind, does this combination of uses amount to an unwarranted level of intensity of uses within the appeal site.
16. Notwithstanding this, the appellant has confirmed that the static caravan has previously been used for living accommodation and I saw that it retains basic facilities and services, including a septic tank, which would facilitate its future use for such purposes. Were it to be used as living accommodation, the structure's proximity to a shared boundary and poor sound attenuation would have the potential to harm the living conditions of occupants of Elm Tree Cottage by virtue of noise and disturbance. Consequently, I consider it necessary to modify existing condition no 4 to prevent the use of the static caravan for such purposes.

17. For the above reasons I conclude that, subject to the modified or new conditions set out above, condition number 6 is not reasonable or necessary in the interests of the character and appearance of the area or to safeguard the living conditions of nearby residents with regard to outlook, privacy and noise and disturbance. Its removal would therefore be consistent with the objectives of LDP policies 1, 8, 14 and 30, which amongst other things seek to conserve and enhance the natural beauty, special landscape character and special qualities of the National Park, and avoid unacceptable adverse effects on amenity.

### **Other Matters and Conclusion**

18. I have considered the other matters raised. Various assertions have been made in relation to the appellant and neighbouring landowners, and to other developments and activities on the site or adjacent land. My attention has also been drawn to various case law. However, matters such as the lawfulness of certain uses, historic commencement/construction dates and whether structures may be regarded as ancillary by virtue of their siting in relation to a residential curtilage lie outside the scope of this appeal. Whilst I note the comments regarding earthworks and the construction of a wall on the site, enforcement matters also lay beyond the bounds of an appeal made under section 78 of the Town and Country Planning Act 1990. The rights of access and boundary disputes referred to are private matters and not relevant to the public interest. There is also little evidence submitted to support concerns raised about the safety of the septic tank adjacent to the static caravan. I therefore attach limited weight to these matters.

19. I have re-imposed conditions attached to the original planning permission where necessary and justified, albeit modified to reflect the replacement of the Authority's Local Development Plan and the nature of the application before me. Subject to these and the other new or modified conditions which I have found to be necessary, for the stated reasons I conclude that the appeal should be allowed.

20. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

*Paul Selby*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development shall be carried out in accordance with the following approved plans: ref 01 (Location and Block Plans), ref 02A (Floor Plan), ref 03A (Elevations).

Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.

- 2) The parking spaces shown on drawing ref 01 shall be constructed within 3 months of the date of this permission and thereafter shall be used for no purpose other than parking.

Reason: In the interests of road safety (Policy 60 of Local Development Plan 2 (end date 2031)).

- 3) The holiday let unit hereby approved 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 hereby permitted 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 40 of Local Development Plan 2 (end date 2031)).

- 4) The existing ancillary structures identified as Static caravan, Timber shed and Polytunnel on drawing ref 01 shall not be used at any time other than as ancillary use for the property known as Ty Gwyn and at no time shall be used for any commercial use or overnight accommodation.

Reason: In the interests of conserving the privacy and amenity of adjoining properties and to ensure that the structures are not used for any residential or commercial use (Policies 1, 8, 14 and 30 of Local Development Plan 2 (end date 2031)).

- 5) Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995, (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 dwellinghouse), no development of Parts 1, 2 and 5 of Schedule 2 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 (Policies 1, 8, 14 and 30 of Local Development Plan 2 (end date 2031)).

- 6) Within six months of the date of this decision the static caravan identified on drawing ref 01 shall be clad in horizontal timber boarding.

Reason: To preserve the character of the area and in the interests of conserving the privacy and amenity of adjoining properties (Policies 1, 8, 14 and 30 of Local Development Plan 2 (end date 2031)).



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## Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 11/11/21

Ymweliad â safle a wnaed ar 12/11/21

gan **Richard Duggan BSc (Hons) DipTP MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 09/12/2021**

## Appeal Decision

Hearing Held on 11/11/21

Site visit made on 12/11/21

by **Richard Duggan BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 09/12/2021**

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**Appeal Ref: APP/L9503/A/21/3271493**

**Site address: Maes Gwenyn, Cilgwyn SA42 0QW**

**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 planning permission.
  - The appeal is made by Mr & Mrs David and Sophie Wellan against the decision of Pembrokeshire Coast National Park Authority.
  - The development proposed is described as '*A One Planet Development consisting of: Cabin (caravan) (104.4 msq); Greenhouse (65 msq); Compost toilet (9 msq); Barn (89.2 msq) with lean-to Goose House (19.4 msq); and PV array (69 msq)*'.
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### Decision

1. The appeal is allowed and planning permission is granted for a One Planet Development consisting of: Cabin (caravan) (104.4 msq); Greenhouse (65 msq); Compost toilet (9 msq); Barn (89.2 msq) with lean-to Goose House (19.4 msq); and PV array (69 msq) at Maes Gwenyn, Cilgwyn SA42 0QW in accordance with the terms of the application, Ref NP/20/0230/FUL, dated 28 April 2020, subject to the conditions in the attached schedule.

### Main Issues

2. The main issues are, whether the proposed development satisfies national planning policy requirements concerning One Planet Development and its impact on the special qualities of the Pembrokeshire Coast National Park (NP)<sup>1</sup>.

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<sup>1</sup> Having regard to the statutory purpose of National Parks to conserve and enhance their natural beauty, wildlife and cultural heritage and to promote opportunities for public understanding and enjoyment of their special qualities.



## Reasons

3. Planning Policy Wales (PPW) defines One Planet Development (OPD) as development that through its low impact either enhances or does not significantly diminish environmental quality<sup>2</sup>. It advises that OPD located in the open countryside should provide for the minimum needs of the inhabitants in terms of income, food, energy and waste assimilation over a period of no more than five years from the commencement of work on the site<sup>3</sup>.
4. Technical Advice Note 6, Planning for Sustainable Rural Communities (TAN6), sets out the basic principles for OPDs, saying that applications must be supported by robust evidence and a Management Plan produced by a competent person. It lists the matters to be covered in the Management Plan, and the accompanying Practice Guidance on OPD, published by Welsh Government in October 2012, provides detailed guidance on these. TAN6 lists the essential characteristics of OPD as: A light touch on the environment; Land-based, providing for the minimum needs of the occupants in terms of food, income, energy and waste assimilation; Low ecological footprint; Very low carbon buildings (in both construction and use); A binding Management Plan to define and control it; and a clear statement that the development will be the sole residence of the proposed occupants.
5. The Pembrokeshire Coast National Park Authority Local Development Plan (LDP) adopted in September 2020 does not contain any policies specifically directed at OPD. However, the LDP is founded on principles of promoting sustainable development and the protection of the countryside and the special qualities of the NP from inappropriate development. In this regard, Policy 7 of the LDP does set out the forms of development that would be acceptable in principle within the countryside and it refers to OPD (criterion f). There is no suggestion on the NP Authority's part that the OPD credentials of the proposal should be assessed on a different basis to that set out in national planning policy.
6. The NP Authority confirmed at the hearing that the appeal proposal is compliant with TAN6 OPD policy and guidance. I share that view. The proposal is supported by a detailed management plan which covers all of the matters identified in government guidance and provides a robust appraisal and assessment of the development as a whole and of the development and activities proposed within the development.
7. The Community Council has objected to the development by setting out a number of concerns including questioning the ability to 'live off' this piece of land and the workload for two persons and that this may have been overlooked or underestimated. However, land-based OPD is very different to a typical modern lifestyle or standard agricultural practice. I am satisfied that the initial five year management plan satisfies the requirements of land based OPD in the countryside and is supported by robust financial appraisals of projected income and expenditure. Whilst there will always be an element of uncertainty inherent in such forecasts, especially where new ways of doing things are being explored, the management plan includes close monitoring requirements and includes exit provisions after five years should the ecological footprint objectives of OPD not be realised. There is no suggestion that the buildings do not meet the requirement of being zero carbon in construction and use. One Planet proposals by their nature involve a different and less conventional model for development and land use. Nonetheless, I consider that the proposals are founded on realistic analysis which draws on practice

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<sup>2</sup> Paragraph 4.2.38 PPW Edition 11

<sup>3</sup> Paragraph 4.2.39 PPW Edition 11

experience elsewhere of low environmental impact development. From the management plan details it is clear that the land based activities proposed at the site will also foster significant linkages with the wider community.

8. The view was also expressed that the development would set a damaging precedent for this area. Ultimately, however, determination of the acceptability of this proposal rests on an objective consideration of its own planning merits, assessed in the context of the OPD policy forming part of the established planning policy framework in Wales together with any relevant local development plan policies.
9. The principle of avoidance of visual or landscape harm is also integral to the OPD concept. The NP Authority's concerns are that the development would be detrimental to the special qualities of the NP in terms of remoteness, wildness and tranquillity, which are within the Park's statutory duties to protect for the wider benefit of the users of the National Park. The Authority has specifically raised concerns regarding the visual impact of the development on users of the public right of way that runs through the site. In this regard, I note the purposes of NPs as set out in legislation and that greater weight is to be given to conserving and enhancing the natural beauty, wildlife and cultural heritage of the NP.
10. The OPD Practice Guidance states<sup>4</sup> that the essential criteria for land management (in relation to landscape) are: *"the landscape of the site is enhanced by the addition and traditional management of characteristic or once characteristic local landscape features that, amongst other things, may be used to screen and filter views to built elements of the proposals and to provide shelter and screening to horticultural areas; and buildings and other structures and access tracks are located where they can be recessed into the landscape and do not stand out in views from public vantage points"*.
11. The Appellant submitted a Landscape and Visual Impact Assessment (LVIA) with the planning application as part of the Expanded Planning Statement<sup>5</sup>. The LVIA states that *"all of the new built features have been sited to minimise their landscape impact, through being sited at the lowest and therefore least intrusive part of the field and set below the western hedge line and below the horizon. It goes on to assert that the development will maintain the distinctive scattered sparse settlement pattern of the area, and the barn and dwelling, when they can be viewed at all, will be seen in intimate association with the mature hedgerows enclosing this small field"*.
12. The Appellant has also submitted a Landscape and Visual Appraisal (LVA)<sup>6</sup> with the appeal submissions. The LVA states that the site *"has a strong sense of enclosure and shelter"*, and *"has a high landscape capacity for absorbing carefully sited and designed development as the effects on the local surrounding receiving landscape would be very limited. Its low-lying topography, boundaries of trees, hedges and walls/banks limits the local visual envelope. This is stronger in the months when foliage on the vegetation present, but still applies in winter conditions. This field pattern extends beyond the site providing further layers of screening"*.
13. The site is located within Landscape Character Area 27 'Mynydd Preseli' which is described as: 'A large and very conspicuous inland upland area of heath and moorland, visible from a great distance. The views to the coast and the feeling of exposure provide a strong sense of place.' However, the site is located on the lowest area of Character Area 27 and immediately adjacent to Landscape Character Area 26 'Cwm Gwaun / Afon Nyfer'

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<sup>4</sup> OPD Practice Guidance, Paragraph 3.51

<sup>5</sup> Landscape and Visual Impact Assessment, prepared by TerraPermaGeo, dated April 2020

<sup>6</sup> Landscape and Visual Appraisal, prepared by Burton Reid Associates, dated March 2021

which is described as: 'This extensive wooded lowland valley system of the two rivers running inland from Fishguard and Newport lies at an elevation of between c.10 and c.100m AOD. The valleys of the Afon Gwaun (Gwaun Valley) and the Afon Nyfer (Nevern Valley) are the dividing feature between the two similar but distinctive upland areas of Mynydd Preseli and Mynydd Carningli. Its narrow, enclosed and rather intimate valley landscape is in marked contrast to the bare and rocky hills adjacent. There are frequent views out onto the hills, the form and presence of which accentuate the incised nature of the Gwaun river valley in particular.' Whilst the site is located within Character Area 27 it's characteristics has more affinity with Character Area 26.

14. I observed at my site visit that the settlement pattern in the area around the site comprises scattered dwellings on the slope of Mynydd Carningli. There are other buildings close to the appeal site, including a dwelling known as Penybont opposite the proposed entrance, the various buildings associated with the Bluestone Brewing Company to the south of Penybont, and other dwellings and agricultural buildings along the lanes nearby. I also saw that the site is not prominent in views from public vantage points outside the site, and only the trees along the boundaries of the site can be seen in the distance from the surrounding higher ground. Therefore, the site can be considered to be very well screened from higher ground and the buildings, which would be sited along the western boundary of the site, would sit comfortably within their landscape setting. Overall, the proposal would be well-screened from the majority of public vantage points further afield and would fit into the existing settlement pattern.
15. From the discussion held at the hearing and from my reading of the evidence, it is clear that the NP Authority's main concern is that the development would have an adverse visual impact on users of the public right of way running through the site. The public footpath runs for approximately 90 metres through the centre of the appeal site entering the existing field entrance on the western boundary and leaving through a hedgerow via a stile close to the south-eastern corner of the site. The Authority confirms that the public right of way has been in existence since before 1888, and historically linked St Mary's Church (to the south east) to the former Bridge End Inn.
16. The Appellant's LVA predicts the visual effects of the proposed development to the pedestrian receptors using the public right of way would be Slight (Adverse) reducing to Slight (Adverse) / Negligible as mitigating tree and shrub planting matures. However, the Authority confirmed at the hearing that in their opinion this is an underestimation of the impact of the development. The Authority highlights that users of the right of way currently pass through an undeveloped open agricultural field (albeit now heavily planted with orchard trees) which would be significantly developed and urbanised by the development, and assert that the users of the right of way would likely be high sensitive receptors, rather than the medium sensitivity receptors identified in the LVA.
17. Irrespective of the value given to the users of the footpath (receptors), having walked along the footpath myself, it is clear that the site cannot be viewed by walkers on the footpath approaching from the southeast until they actually enter the site. Upon entering the site, views from within the site looking west are dominated by the orchard trees and the mature boundary planting along the western boundary, with views into the higher land of Mynydd Carningli rising beyond. Users of the footpath, especially in winter months currently see the neighbouring property of 'Pen-y-bont' opposite the entrance to the site through the mature hedge. Due to their siting close to the western boundary, the residential cabin, barn and greenhouse would form a part of the westward views from the footpath, and would appear against a backdrop of the hedgerow and mature trees. The views of the buildings would also reduce as the orchard trees and mitigating planting mature. In my opinion, the views of Mynydd Carningli (Landscape Character Area 22)

would not be significantly interrupted as it would continue to be seen above the buildings and the treeline. Views from the footpath looking east are framed by the woodland to the north and the mature hedge line to the south, and the foreground to the east has limited views of the neighbouring fields.

18. Given that there are existing properties and buildings in close proximity to the site, and having regard to the relatively high amount of vehicular movements that I saw travelling along the adjoining road, I do not consider that users of the public right of way would be significantly harmed by the development, particularly the quality of experience and their enjoyment of the special qualities of the rich historic environment of the NP in terms of remoteness, wildness and tranquillity.
19. The Authority has also raised concerns that the design and appearance of the residential cabin would not be in keeping with the local vernacular and would have an adverse impact on the local landscape. The residential cabin and barn would be modest, single storey structures set within the western corner of the site positioned adjacent to the mature hedge and tree line which delineate the boundary with the adjoining highway. Their low profile would be complemented by timber clad walls with a natural finish as well as further nearby mitigating planting, which can be subject to a condition, to aid their assimilation into their immediate setting. This combination of scale, design, materials and location would render the buildings largely inconspicuous. In addition, I saw that there is a variety of building designs and architectural styles in the area and I saw a number of timber clad buildings/barns during my visit to the area. As such, the proposed buildings would comply with LDP Policy 29 which requires developments to have an integrated approach to design and construction.
20. The buildings and associated land-based activities would inevitably change the character of the site, but not to the extent that it would disrupt the landscape character of the area significantly. The character of the site would be changed through further planting and adaptation and would become a new landscape feature within the same setting of the National Park. In landscape terms the use of the site as a OPD would be compatible with the immediate landscape which is characterised predominantly by enclosed land, other similar agricultural practices and other scattered dwellings and agricultural buildings. Moreover, OPD is in principle acceptable in countryside locations and it is to be expected that it would have some impact on the local rural scene. The project needs to be considered as a whole and the considerable overall upgrading intended would considerably offset the presence of the various structures in the local landscape.
21. Therefore, whilst I accept that the proposed buildings would be visible to users of the public right of way running through the site and from the adjoining highway, the appearance of the buildings and the impact of the other activities on the site would not be objectionable or conflict with the overarching aims of the LDP. Consequently, I do not find that the development would conflict with LDP Policy 1 which requires development to be compatible with the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the NP. The development would not adversely affect the special qualities of the NP and would meet the relevant objectives of LDP Policy 8 such as protecting and enhancing the historic environment and the patterns and diversity of the landscape. In addition, I consider that the development would not cause visual intrusion or that it would be insensitively sited in the landscape thus complying with LDP Policy 14.
22. Having regard to the above, I conclude that the appeal proposal satisfies the requirements for land based OPD in the countryside as set out in national planning policy.

## Conditions and Obligations

23. I have considered the submitted section 106 obligation by way of unilateral undertaking and the conditions discussed at the Hearing, having had regard to the advice in Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management* (October 2014). The unilateral undertaking complies with the Welsh Government's OPD Practice Guidance, and ensures that the dwelling is the sole residence of the occupants of the dwelling; the land shall only be occupied by the persons in occupation of the dwelling; and binds the permitted dwelling to the land comprised in the OPD project and ensures that any buildings or the dwelling are not disposed of separately. The unilateral undertaking is necessary along with conditions 3, 4, 5, 6, 7 and 8 to ensure that the proposal operates in accordance with the OPD principles, management plan and monitoring arrangements on which the development relies for its acceptability in planning policy terms.
24. Conditions 9 and 10 are needed to ensure that the habitat and landscape protection and enhancement objectives of the development are met. I have imposed conditions 11, 12, 13, 14 and 15 relating to removing permitted development rights, the protection of trees, the details of the farm gate and the provision of additional landscaping/planting to protect the visual amenities of the area and the special qualities of the NP. Conditions 16 and 17 as imposed are sufficient to ensure that the access requirements of the development are adequately met in a manner which satisfies highway safety requirements whilst adhering to the "light footprint" ethos of the development. I do not consider that any other conditions are needed.

## Conclusion

25. Having regard to the above and considered all other matters raised, I conclude that the appeal should be allowed, subject to the conditions set out in the schedule attached to this decision.
26. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of building a stronger, greener economy as we make maximum progress towards decarbonisation, making our cities, towns and villages even better places in which to live and work and embedding our response to the climate and nature emergency in everything we do.

*Richard Duggan*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Mr James Shorten	TerraPermaGeo
Mr Bill Knight	TerraPermaGeo
Mr Paul Joliffe	Landscape Architect, Burton Reid Associates

### INTERESTED PARTIES:

Mr Brian John	Neighbour
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### FOR THE LOCAL PLANNING AUTHORITY:

Ms Kate Attrill	Senior Planning Officer
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## DOCUMENTS

- 1 Notification dated 11 October 2021 informing interested parties of the date and time of the virtual event/hearing, including a list of those notified.

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.

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

- 2) The development shall be carried out in accordance with the following approved plans and documents: Location Plan 1.1; Layout Plan 1.2a; Gradient Plan 1.3; Block Plan 1.4a; Block Plan Footings 1.4b; Entranceway 1.5; Cabin Plan 2.1; Cabin Elevations 2.2; Cabin Elevations 2.3; Barn and Goosehouse Plan 3.1; Barn and Goosehouse Elevations 3.2 (amended 14.04.20); Barn and Goosehouse Elevations 3.3; (amended 14.04.20); Greenhouse Plan 4.1; Greenhouse Elevations 4.2; Greenhouse Section 4.3; Compost Toilet 5.1; Solar Array 6.1; Management Plan, April 2020; Planning Statement (including LVIA), April 2020; ODP Ecological Footprint Calculator v2, June 2017; 5-year Cash Flow Forecast (no date); Extended Phase 1 Ecology Survey Report, March 2020; Soil / Biological Fertility Management Analysis, March 2020; Tree Inspection Report, February 2020; Trees and Construction Report, June 2020; Orchard Report (no date); Bee Hives Assessment, February 2020; Screw Piling Information; Water Main Plan.

*Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.*

- 3) The occupation of the dwelling hereby approved in connection with the One Planet Development shall be limited to resident(s) as specified in the Management Plan and any resident dependents. The dwelling shall be occupied as the sole residence of the resident(s).

Reason: To ensure that the occupation of the dwelling conforms to the principle of One Planet Development and the agreed Management Plan and to comply with PPW and TAN6.

- 4) The dwelling, buildings and land comprising the application site shall be retained in use and occupation as a single site and no part shall be sold or leased separately.

Reason: To ensure that the development conforms to the principle of One Planet Development and the agreed Management Plan and to comply with PPW and TAN6.

- 5) The use of the site shall be carried out in accordance with the One Planet Development Management Plan dated April 2020, and any successor Management Plan as may be agreed in writing by the Local Planning Authority.

Reason: To ensure that the development conforms to the principle of One Planet Development and the agreed Management Plan and to comply with PPW and TAN6.

- 6) Twelve months following the date of this planning permission and annually thereafter, the occupiers of the site shall submit to the local planning authority a written report giving details of the activities carried out during the previous twelve months, setting out performance against the essential criteria included within the Management Plan as required by the Welsh Government Practice Guidance One Planet Development (October 2012).

Reason: To ensure that the development conforms to the principle of One Planet Development and the agreed Management Plan and to comply with PPW and TAN6.

- 7) In the event that the annual report identifies that any of the essential criteria has not been met, a supplementary report setting out corrective or mitigating measures together with a timetable for achieving the objective or target shall be submitted to the local planning authority no later than twelve months of the date of the annual report subject to condition 6 above. Those measures shall be implemented in accordance with the supplementary report.

Reason: To ensure that the development conforms to the principle of One Planet Development and the agreed Management Plan and to comply with PPW and TAN6.

- 8) In the event that any revised objectives or targets are not achieved within the agreed timeframe within the supplementary report, or if the development otherwise fails to meet the requirements of the conditions of this planning permission, the Exit Strategy set out in the Management Plan shall be invoked, within 6 months the residential use of the land shall cease and the dwellinghouse and other domestic structures removed from the land.

Reason: To ensure that the development conforms to the principle of One Planet Development and the agreed Management Plan and to comply with PPW and TAN6.

- 9) Prior to the erection of any external lighting, a light mitigation strategy, including measures to reduce light spillage onto foraging habitats for protected species, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that animals 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 in line with Local Development Plan Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 9 (Light Pollution), 11 (Nationally Protected Sites and Species), 14 (Conservation and enhancement of the Pembrokeshire Coast National Park) and 30 (Amenity).

- 10) Prior to the commencement of any works associated with the development (including site vegetation clearance, excavation, access by heavy machinery or storage of materials on site) a Habitat Management, Monitoring and Enhancement Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be in compliance with the ecological recommendations contained within section 6 of the submitted Extended phase 1 ecology report dated July 2019; and Section 6.2 of the submitted ecological report which requires a sensitive clearance strategy for dormice and bats for the clearance of scrub and for hedgerow management to be prepared by a competent ecologist and submitted to the LPA for consideration prior to the commencement of any works. The agreed scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Environment (Wales) Act 2016 and Policies 10 (Sites and Species of European Importance) & 11 (Nationally Protected Sites and Species) of the Pembrokeshire Coast National Park Local Development Plan.

- 11) Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995, (relating to extensions to, and changes to the external appearance of, the cabin and to development or the siting of a caravan within the curtilage of the cabin), no development of Parts 1, 2, 40 and 43 of Schedule 2 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 in line with Local Development Plan - Policy 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).

- 12) The proposed development shall be completed in full adherence to the arboricultural details submitted to the LPA ('Maes Gwenyn Trees and construction report – Rob Marsh Woodland Services Ltd Dated 10/06/2020'). Any variations to the details of the documents and plans must only be undertaken after the proposed variations have been agreed in writing by the LPA.

Reason: 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 in line with Local Development Plan Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Protection of Biodiversity), 14 (Conservation of the Pembrokeshire Coast National Park), 15 (Conservation of the Pembrokeshire Coast National Park), 30 (Amenity).

- 13) Prior to its installation, full details of the farm gate stall shall be submitted to an approved by the Local Planning Authority. The stall shall only sell produce directly produced on the site, and shall not be externally illuminated.

Reason: In order to protect the special qualities of the landscape of the National Park and in accordance with Policies 1 (National Park Purposes and Duty), 8 (Special



Qualities), 14 (Conservation of the Pembrokeshire Coast National Park), 15 (Conservation of the Pembrokeshire Coast National Park), and 30 (Amenity).

- 14) Prior to the commencement of any works associated with the development (including site vegetation clearance, excavation, access by heavy machinery or storage of materials on site), a comprehensive scheme for the soft and hard landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall take full account of the natural trees and shrub species on the site and in the area in general together with the existing hedgebanks. The scheme shall include measures for the protection of trees, shrubs, stone walls and hedgebanks at all times. The Scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect the special qualities of the landscape of the National Park and in accordance with Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park), 15 (Conservation of the Pembrokeshire Coast National Park), and 30 (Amenity).

- 15) All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the residential cabin; and any trees or plants which, within a period of five years from the completion of the development, fail, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written consent to any variation.

Reason: In order to protect the special qualities of the landscape of the National Park and in accordance with Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park), 15 (Conservation of the Pembrokeshire Coast National Park), and 30 (Amenity).

- 16) Any access gates to be erected within the site shall be set back to a distance of at least 5 metres behind the highway boundary and shall open inwards only.

Reason: In the interests of highway safety and in accordance with the provisions of Local Development Plan Policy 60 (Impacts of Traffic).

- 17) Prior to the commencement of the development, details of the surfacing materials for the first 10 metres of the access shall be submitted to and approved in writing by the Local Planning Authority. The surfacing shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and in accordance with the provisions of Local Development Plan Policy 60 (Impacts of Traffic).

[End of conditions]



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 02/11/21

gan **Paul Selby BEng (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23/12/2021

## Appeal Decision

Site visit made on 02/11/21

by **Paul Selby BEng (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 23/12/2021

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**Appeal Ref: APP/L9503/A/21/3280831**

**Site address: The Former GWLA Concrete Works, Rear of 89 Nun Street, St Davids SA62 6NU**

**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 Des Harries against the decision of Pembrokeshire Coast National Park Authority.
  - The development proposed is demolition of existing industrial buildings and erection of two dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appeal relates to an outline planning application with all matters reserved. Scale parameters and an indicative layout have been submitted, to which I have had regard.
3. Notwithstanding the information given on the application form, I have taken the description of development from the Authority's Decision Notice, which more accurately describes the proposal.

### Main Issue

4. The main issue in this case is whether the proposal would accord with local policy to promote the efficient use of brownfield land within settlements.

### Reasons

5. The appeal site is occupied by a builder's yard and lies within the settlement boundary for St Davids as designated by the Pembrokeshire Coast National Park Local Development Plan 2 ('the LDP'). The site lies to the rear of residential properties fronting Nun Street (the A487) and is reached via a lane which provides access to the rear of adjacent properties. This lane is also a designated Public Right of Way (PRoW) which connects to an area of open access common land adjoining the appeal site.
6. Policy 51 of the LDP states that residential development proposals will be permitted where the residential density is a minimum of 30 dwellings per hectare, and that lower density levels will only be permitted where it can be demonstrated that development at the prescribed densities would have an unacceptable adverse effect on the character of the surrounding area, or that reduced densities are required as a result of significant site constraints or to preserve a feature that would contribute to existing or future local amenity.

7. Given the limited options for obtaining access to the site and the constrained width of the lane, I concur with the appellant that it is reasonable to exclude the access from the 'developable' site area. However, doing so would result in a site area of around 0.1 hectares, which, in line with policy 51, would equate to the provision of at least 3 dwellings on the site.
8. I have no reason to dispute the appellant's contention that some nearby dwellings, particularly those to the northeast, exhibit densities as low as 10 dwellings per hectare. Nonetheless, many others nearby, which also contribute to the character of the immediate area, are of a notably higher density than this. The appeal site is no more connected in visual terms to the properties to the northeast than it is to the terraced dwellings to the southwest. Little compelling rationale has been advanced as to why the site's position rearward of the established pattern of built form fronting Nun Street itself limits the capacity of the appeal site to 2 dwellings. There is therefore little before me to suggest that the development of the site for 3 or more residential units would have an unacceptable adverse effect on the surrounding area's character.
9. The appeal site currently has an unkempt appearance which is readily visible from the nearby common land. Whilst the proposal would introduce significant visual change to the site, I am mindful that matters such as appearance and layout have been reserved. I therefore attach limited weight to any potential visual benefits of the proposal.
10. In responding to the planning application, the County Council's Highways Engineer did not object to the proposal, subject to the imposition of appropriate conditions, but advised that constraints relating to visibility at the junction of the A487, in addition to potential highway and pedestrian safety impacts associated with the limited width of the access, constrain the number of dwellings able to be accommodated on the site. Whilst I do not dispute this, the site has an existing use as a builder's yard which itself may generate vehicular traffic along the shared access. Despite the absence of a footway kerb at the junction, the context is one of a built-up area within which drivers would tend to anticipate pedestrians in the carriageway or emerging vehicles and moderate their speed accordingly. In the light of these site circumstances and the information before me, I find little compelling justification that the proposed density is the maximum that could be achieved without impacting the safety of existing and future users of the A487, the site access or PRoW; or that a higher number of dwellings would preclude sufficient turning and parking space for residents, visitors and delivery or service vehicles. Whilst traffic volumes may be substantially higher in the peak tourist months, I do not consider that the provision of a limited number of residential units on the appeal site would, itself, cause unacceptable congestion on Nun Street.
11. I note that a single dwelling was previously permitted on the appeal site, but that permission has since lapsed and the local policy context has changed in the interim. Although there is little compelling evidence that the site could support 4 dwellings, as intimated by the Authority, nor has it been sufficiently demonstrated that the site could not support more than 2 dwellings. Although the difference between the proposed density and the minimum sought by local policy is not considerable in terms of dwelling numbers, St Davids is a local centre of limited size and it lies within a National Park where growth options to meet local needs are likely to be limited. For the above reasons I conclude that it has not been sufficiently demonstrated that the proposed development would make optimal use of a brownfield site within a settlement, thereby conflicting with LDP policy 51.

### **Other Matters**

12. The appellant has submitted a signed and executed Unilateral Undertaking (UU) to make a financial contribution towards the provision of affordable housing. The financial contribution to be secured via the UU is, however, inconsistently defined and does not align with the advice of the Authority's Interim Affordable Housing Supplementary Planning Guidance (SPG), which seeks a £175 per square metre affordable housing contribution, where appropriate, within the St Davids sub-market area. These considerable flaws give me little confidence that the submitted UU is capable of being implemented satisfactorily. Other inaccuracies in the UU reinforce this view, for example the erroneous reference to the superseded LDP.
13. The Authority alleges conflict with policy 49 of the LDP, but as the proposal is for 2 market dwellings rather than affordable housing I do not find that policy to be directly relevant to the case in hand. Nor do I find evident conflict with policy 48, which amongst other things seeks to secure

affordable housing on sites of 3 dwellings or more in the St Davids sub-market area. Nonetheless, putting aside any specific policy requirement for a financial contribution towards affordable housing in lieu of on-site provision, due to the flaws in the submitted UU I attach little weight to it and any affordable housing benefits associated with it. Having regard to the advice of Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' and my above findings, I also consider that a condition to secure a financial contribution towards the provision of affordable housing would not meet the test of necessity.

14. I have considered the other matters raised, including by interested parties. I recognise that the proposal would provide housing on a brownfield site which is sustainably located in relation to local services and facilities, and has support from the City Council. However, neither these nor the other matters raised outweigh the harmful conflict with LDP policy 51, nor alter my decision.

### **Conclusion**

15. For the above reasons I conclude that the appeal should be dismissed. In reaching this decision, I have taken account of the requirements of the Well-Being of Future Generations (Wales) Act 2015, and consider that this decision would contribute towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

*Paul Selby*

Inspector