

REPORT OF THE DEVELOPMENT MANAGEMENT MANAGER ON APPEALS

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

<u>NP/22/0693/FUL</u>	New 4-bedroom dwelling with garage and vehicle access/driveway - Land to west of Charnwood, Castle Way, Dale, Haverfordwest, Pembrokeshire, SA62 3RN
Type	Written Reps
Current Position	The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.
<u>NP/22/0503/FUL</u>	The installation of a 51 metre high telecommunications tower supporting 9 no. transmission dishes and 6 no. mobile coverage antennas, an equipment cabin and 2 no. equipment cabinets at ground level, a chainlink security fence surrounding the equipment and development ancillary thereto - Pantmaenog Woodlands, Rosebush, Pembrokeshire
Type	Written Reps
Current Position	The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.
<u>EC21/0041</u>	Installation of four rooflights within the front roof slope elevation and the erection of a glass balustrade along the front boundary forecourt - Cambrian House, Settlands Hill, Little Haven, Haverfordwest, Pembrokeshire, SA62 3LA
Type	Written Reps
Current Position	The initial documentation has been forwarded to PEDW



Appeal Decision

by R H Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 14/11/2023

Appeal reference: CAS-02681-V8M9N2

Site address: Land adjacent (west) of Charnwood, Castle Way, Dale SA62 3RN

- 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 Grant Cox against the decision of Pembrokeshire Coast National Park Authority.
 - The application Ref NP/22/0693/FUL, dated 1 December 2022, was refused by notice dated 20 February 2023.
 - The development proposed is described as “New 4-bedroom dwelling with garage and vehicle access/driveway”.
 - A site visit was made on 31 October 2023.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be the impact of the development:
 - on the character and appearance of the area, having particular regard to the special qualities of the National Park;
 - on trees and nature conservation/biodiversity interests;
 - and whether the development would conflict with policy requirements relating to affordable housing provision.

Reasons

Character and Appearance

3. The appeal site lies on the northern side of Castle Way which is a single-track one-way road running around the village of Dale. It is a steeply sloping rectangular plot of land which previously contained a small timber structure which has now been demolished. The eastern and western boundaries of the site contain a number of trees, but it is clear that mature trees have been felled and significant thinning of the boundaries has occurred. The neighbouring dwelling to the east is a 1.5 storey dormer bungalow which is elevated above the level of the road. Open agricultural land lies to the west of the site.

4. Outline planning permission was granted in 2018 for a single dwelling on the site, and condition 3 attached to the outline permission stated that the dwelling should be no taller than 2.5 storeys in height, and of no more than a 10 metre span. Due to the steep topography of the site significant excavation would be needed to accommodate the dwelling by sinking it into the hillside and enabling a flat vehicular access and turning space at road level. Contrary to the appellant's view, the proposed dwelling would be seen as a 3-storey building with the entrance hall, store room, living room and one en-suite bedroom at ground floor level; the first floor level would contain an open plan living area with dining room and kitchen, with a wc and utility room; and the second floor would contain a further three bedrooms and a bathroom.
5. The dwelling is of a contemporary design with large areas of glazing on the front elevation with glass Juliette balconies at second floor level and a glass balustrade guarding the first floor terrace/balcony area. The external surfaces of the dwelling would be finished in a mix of natural stone and white render with a natural slate roof. The roof profile would be made up of two large gable sections on either side of the dwelling with a hipped section centrally.
6. Whilst an attempt has been made to follow the building line and ridge height of the neighbouring property, the proposed 3-storey dwelling would be significantly larger in scale and bulk when compared to the adjoining 1.5 storey dormer bungalow. The marked difference in scale and massing would be particularly apparent in views towards the site from the nearby part of Castle Way and would make it a particularly incongruous and dominant feature of the area. Although significant excavation and engineering works would effectively sink the dwelling into the site, the elevated nature of the land and the 3-storey design of the dwelling would exacerbate its bulk and massing, making it overbearing when viewed from Castle Way and Charnwood. The lack of space around the sides and rear of the dwelling reduces the ability to provide a meaningful degree of separation or landscaping to soften the impact of the proposed development.
7. The scheme would also include a large double garage with overhead storage sited in front of the house with its side elevation fronting the road, and would measure approximately 5.5m in height, 6.5m wide and 6m in depth. By reason of its position close to Castle Way, its height, expansive roof area (with roof lights) and bulky proportions, the garage would dominate the prominent frontage of the appeal site and would relate poorly to the existing built form along Castle Way.
8. Notwithstanding the presence of trees along the boundaries which would provide some screening of views, the garage would significantly change the appearance of the street scene and would lead to an overly dominating and incongruous building which would represent an unexpected, alien feature. Whilst this impact would be limited to the surrounding vicinity of the site, it would still be significant. The effect of the garage in itself would be harmful to the relationship between buildings and adjoining spaces, but in association of the scale of the 3-storey dwelling, the overall development would have a significantly harmful impact on the character and appearance of the area.
9. The contemporary design of the proposed dwelling would incorporate high quality materials and a modest ratio of glazed openings to solid wall. In my view, the overall architectural design of the scheme would be unobjectionable when considered in isolation. However, for reasons of its general prominence and its overall bulk and massing, the proposal would have an unacceptable effect on the character and appearance of the area when considered in the context of its surroundings.
10. Therefore, in view of this main issue, the proposal would have a detrimental impact on the character and appearance of the area and on the special qualities of the National

Park. To this end, the development would conflict with Policies 1, 6, 8,14, 29 and 30 of the Adopted Pembrokeshire Coast National Park Local Development Plan (LDP) 2020.

Trees and Nature Conservation/Biodiversity

11. I have noted that extensive site clearance has already been undertaken. However, it is clear that trees, hedgebanks and hedges on and immediately adjacent to the site are at risk of damage during the construction process. As such, it would be expected that up-to-date information on these landscape features (trees, hedgerows, hedgebanks) and any constraints they may pose to the development, would be provided as part of the appeal. In this regard, the appellant has submitted a Tree Report prepared by ARW Tree Consultancy. However, this report is dated 29 September 2017 and is now over six years old and, therefore, it cannot be relied upon to reflect the current condition of the trees, hedgebanks and hedgerows on the site. As such, in the absence of an up to date report which assesses the impact of the development on current landscape features within the site, I must conclude that the development would have a negative impact on trees, hedgerows and hedgebanks within the site.
12. Having regard to the nature of the site, the proposal also has the potential to impact upon priority and protected species and/or their habitats. All native UK reptiles and all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). Paragraph 6.2.2 of Planning Policy Wales Technical Advice Note (TAN) 5 'Nature Conservation and Planning' indicates that any survey work that is required should be carried out before planning permission is granted where there is a reasonable likelihood of a protected species being present and affected, otherwise all relevant material planning considerations may not have been addressed in making the decision. TAN5 advises that planning permission should not be granted subject to a condition requiring a survey to be carried out.
13. The appellant has submitted an Extended Phase 1 Ecology Survey Report, dated 9 June 2020 with the appeal. The Chartered Institute of Ecology and Environmental Management (CIEEM) states that surveys and reports that are between eighteen months and three years old, may still be valid in certain circumstances. In order to determine their validity, CIEEM advise that an ecologist should be commissioned to undertake a walkover re-survey of the site, to compare the current status with that found in the original survey(s). Following on from this, the ecologist will be able to advise on the best way forward. Where significant changes to the baseline conditions are identified, it may be necessary to undertake some or all of the surveys again, in addition to the desk study. There is also the possibility that surveys for 'new' species may be needed. Where ecology surveys and reports are over three years old CIEEM have advised that these would be considered to be out of date and it is likely that all of the surveys and associated assessment would need to be updated.
14. Having regard to this advice, the appellant's June 2020 Ecology Survey Report is clearly out of date, and on the basis of the information before me, including the comments provided by the Authority's ecologist, I find that there is insufficient evidence available to me to establish the potential impact of the scheme on biodiversity and ecology. Mindful of the relevant national policy advice on protected species in TAN5, this is a matter that requires to be understood before planning permission is granted, rather than being addressed by planning condition.
15. I find that the circumstances of this case justifies a precautionary approach, in order to avoid potentially harmful impact on landscape features such as trees, hedgerows and

hedgebanks and on protected species which would conflict with Policies 1 and 11 of the LDP.

16. Following the submission of the appeal national policy relating to biodiversity and green infrastructure has been updated by the publication of the Annex to Heads of Planning Letter Dated 11 October 2023: 'Addressing the Nature Emergency through the Planning System: Updated National Planning Policy for Chapter 6 of Planning Policy Wales (PPW)'. I have not made a finding on the implications of the new policy change as it would not alter the outcome of the appeal given that I find it unacceptable for the reasons I have set out above.

Affordable Housing

17. PPW states that having good quality affordable homes is the foundation of living well which brings a wide range of benefits to health, learning and prosperity. It highlights the importance of ensuring that all communities have access to a range of well-located and designed energy efficient market and affordable homes to meet their needs, and that the planning system must enable provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places.
18. Policy 48 of the LDP specifies how the creation of a new dwelling requires a financial contribution towards the provision of off-site affordable housing. The property lies within Dale which attracts a financial contribution of £100 per square metre of floorspace.
19. The Appellant has submitted a fully executed planning obligation in pursuance of Section 106 of the Town and Country Planning Act 1990 with the appeal confirming that he would agree to pay an amount of money to the Authority. However, the planning application reference within the planning obligation is incorrect as it refers to another planning application, which would also mean that the total financial contribution may also be incorrect if it is based on the floorspace of a different dwelling to that of the appeal dwelling. Other than this, I consider that the obligation is fit for purpose in requiring the Appellant to pay the Authority the affordable housing contribution in line with LDP policies and the SPG, and if I was minded to allow the appeal the appellant would be given the opportunity to rectify these minor issues and submit an amended planning obligation.
20. The provision of the contribution would be a benefit to the community and would assist the Council in delivering affordable housing in the Council area, thus complying with Policy 48 of the LDP.

Other Matters

21. Natural Resources Wales in its consultation response dated 21 December 2022 confirms that the site is located within 140 metres of the Pembrokeshire Marine Special Area of Conservation (SAC). The nature of the proposed development has the potential to increase phosphate levels, and a likely significant effect on the integrity of the SAC cannot be ruled out. In these circumstances, the decision maker as the competent authority is required to carry out an Appropriate Assessment, and in determining this appeal I fall to be the competent authority.
22. I have consulted NRW as the appropriate nature conservation body under the Habitats Regulations. Having considered the Appellant's submissions NRW has confirmed that the proposal may affect the SAC and have identified pollution as a potential impact pathway to features of the site. However, NRW considers that this pathway would not result in an adverse effect if the developer adheres to standard pollution prevention guidelines to manage dust, silt, surface water and the storage of waste during the construction phase,

and that the developer should take any precaution to prevent contamination of surface water drains and local watercourses.

23. In this case, as I have found the development unacceptable for other reasons it has not been necessary for me to undertake an Appropriate Assessment. Even if the development was acceptable in terms of its effect on the SAC this would not outweigh my conclusions on other grounds.

Conclusions

24. Having regard to the above and considered all other matters raised, I conclude that the appeal should be dismissed.

25. 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.

R Duggan

INSPECTOR



Appeal Decision

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

an Inspector appointed by the Welsh Ministers

Decision date: 21/11/2023

Appeal reference: CAS-02677-B8Z0V7

Site address: Pantmaenog Woodlands, Rosebush, Pembrokeshire, SA66 7QX

- 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 Britannia Towers II Ltd against the decision of Pembrokeshire Coast National Park Authority.
 - The application Ref NP/22/0503/FUL, dated 18 August 2022, was refused by notice dated 18 October 2022.
 - The development proposed is a 51 metre high telecommunications tower supporting 9 no. transmission dishes and 6 no. mobile coverage antennas, an equipment cabin and 2 no. equipment cabinets at ground level, a chain link security fence surrounding the equipment and development ancillary thereto.
 - A site visit was made on 14 November 2023.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposed development on the landscape of the Pembrokeshire Coast National Park.

Reasons

3. In October 2006 the National Park Authority (NPA) commissioned a Landscape Character Assessment Study of the National Park which led to the production of the 'Pembrokeshire Coast National Park Landscape Character Supplementary Planning Guidance' (SPG). The SPG, which identifies the main attributes and special qualities of each Landscape Character Area (LCA), was adopted following public consultation and I afford it significant weight.
4. The site lies within LCA 27 – Mynydd Preseli. The SPG describes Mynydd Preseli as *'a highly distinctive large landform feature clearly visible from much of the National Park, and from many areas of Pembrokeshire outside the Park. It is the largest area of upland landscape within the National Park, with much of this very large inland LCA rising from around 100 metres to well above 300 metres Above Ordnance Datum. This is a landscape with a rich history of human settlement, with many surviving prehistoric*

features – hill forts, enclosures, trackways, cairns, ritual sites and earthworks. Although 20th Century coniferous forestry plantations have covered some areas of the upper slopes, the dominant features of Mynydd Preseli are the open hill ridges with occasional massive rocky outcrops at the summits which punctuate the skyline.'

5. The SPG goes on to describe the area's special qualities as including that as an extensive broad upland mass it is unique within the National Park, visible from large parts of the National Park and Pembrokeshire. The area is not untouched by human hand but my observations confirmed the SPG's description of remoteness and wildness.
6. The proposed development includes a 51m lattice tower, which would support 9 transmission dishes and 6 mobile phone antennas, with equipment cabinets at ground level enclosed by a security fence. The appeal site lies on the edge of a plantation which would hide the equipment cabinets and fencing from views from the north and west. As a result of local topography, the compound would also be likely to be largely screened from views from the bottom of the hill to the east and south. Nevertheless, the compound would be visible from the bridle way from the B4313 to Craig y Cwm and from the circular bridle/cycleway through the plantation.
7. As evidenced by the appellant's photomontages, the proposed tower would rise well above the plantation and be a prominent feature in both short and long distant views. I consider the proposed tower, dishes and antennae due to their location and height would have a significantly adverse impact on the landscape of the National Park. This harm would not be mitigated to any material extent by the mast being finished in a different colour to that originally proposed. The overtly industrial and modern appearance of the proposed development, including the equipment cabinets and fencing, would be seriously at odds with and detract from the sense of remoteness and wildness which are identified as special qualities of this important landscape.
8. The appellant says that other than being in the National Park, there are no specific designations affecting the site. National Parks enjoy the highest level of landscape protection and the area around the site needs no other designation in this regard. I find that the proposed development would cause serious harm to the landscape of the National Park and that it conflicts with Policies 8, 14 and 29 of the Pembrokeshire Coast National Park Local Development Plan 2, adopted 2020 (LDP).
9. Policy 63 of the LDP is permissive of telecommunications development provided, amongst other things, it takes account of opportunities to share existing masts. Where developments would be visually prominent, evidence must be provided to show that alternative locations are impractical and development will only be permitted where there would be no unacceptable adverse effects on the National Park.
10. The main purpose of the proposed development is to provide a transmission dish link between datacentres near London and Wexford in the Republic of Ireland. I do not doubt the appellant's assertion that none of the 5 existing masts considered were suitable to meet their requirements. However, as set in Policy 63 of the LDP, it does not follow development that would harm to the National Park should be permitted and I find that the proposed development conflicts with Policy 63.
11. I note the support from Vodafone, its commitment to use the tower should the appeal be allowed and the appellant's argument that this would improve coverage and capacity in the surrounding area. Policy 13 of Future Wales (FW) supports the provision of digital communications infrastructure but recognises that infrastructure in rural areas should be carefully planned to mitigate any impact on designated landscapes. Any benefits that may arise from the proposed development are outweighed by the harm described above.

Other matters

12. The appellant's Historic Environment Desk-based Assessment considered the impact of the proposed development on Scheduled Ancient Monuments (SAM) in the area. The Assessment finds there would not be significant impact on the setting of SAMs, PE119, PE286, PE300 and PE500. Cadw agrees and, from my observations, I see no reason to take a different view.
13. The Assessment acknowledges there would be a detrimental visual impact on the southernmost of the two cairns that comprise SAM Cnwc Round Cairns, PE343. Cadw agree the proposal would have a slight adverse impact on the setting of Cnwc Round Cairns. Whilst I do not consider that, in itself, this would be a reason to withhold planning permission, it adds weight to my conclusion that the appeal should be dismissed.

Conclusion

14. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.
15. 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 Welsh Ministers' well-being objectives.

A Thickett

Inspector