

## 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:-

<b><u>EC21/0145</u></b>	Construction of new access and access track; erection of timber cabin for residential use; storing of touring caravan; storing of converted van type vehicle; erection of solar panels & erection of tented canopy - Land OS Parcel No. 1050, known as Pwllau Clau, Crosswell, Crymych, Pembrokeshire, SA41 3SA
<b>Type</b>	Written Reps
<b>Current Position</b>	The initial documentation has been forwarded to PEDW
<b><u>EC21/0201</u></b>	Alleged unauthorised residential caravan in field - Nettie's Lodge, Happy Acre, Lydstep, Tenby, Pembrokeshire, SA70 7SG
<b>Type</b>	Written Reps
<b>Current Position</b>	The initial documentation has been forwarded to PEDW
<b><u>EC22/0024</u></b>	Erection and siting of summerhouse/shed - Land referred to as Llainfach, northwest of Carnhedryn Uchaf, near St Davids, Pembrokeshire
<b>Type</b>	Written Reps
<b>Current Position</b>	The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.
<b><u>EC23/0076</u></b>	Removal of native trees and flattening of land - Land to the south of Parc Yr Eglwys, Bryn-Henllan, Dinas Cross, Pembrokeshire, SA42 0SH
<b>Type</b>	Written Reps
<b>Current Position</b>	The appeal has been dismissed and a copy of the Inspectors decision is attached for your information
<b><u>NP/24/0517/FUL</u></b>	Proposed side and rear extensions with ecological enhancements and creation of off road car parking for a family home (partly in retrospect and 3rd resubmission) - 4, Pisgah Cottages, Cresselly
<b>Type</b>	Written Reps
<b>Current Position</b>	The initial documentation has been forwarded to PEDW

**NP/24/0369/FUL** Erection of 6 x 6m decking area to the front of building (retrospective) - The Hibernia Inn, 60 Angle Village, Angle, Pembroke, Pembrokeshire, SA71 5AT  
**Type** Written Reps  
**Current Position** The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.

**NP/22/0343/FUL** Social Enterprise Centre – Educational - Responsive Earth Trust, Plasdwbl, Mynachlogddu, Clynderwen, Pembrokeshire, SA66 7SE  
**Type** Hearing  
**Current Position** The Hearing has taken place and the Inspectors decision is awaited.



## Appeal Decision

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by J de-Courcey BSc LLB MTPI MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 18/06/2025

Appeal reference: CAS-03302-G6J1RS

Site address: Field OS no. 5211 known as Llainfach, north west of Carnhedryn Uchaf, St Davids, Pembrokeshire shown edged red on the plan

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- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
  - The appeal is made by David Owain Morris against an enforcement notice issued by Pembrokeshire Coast National Park Authority
  - The enforcement notice, reference EC22/0024, was issued on 31 January 2024.
  - The breach of planning control as alleged in the notice is: 'Without planning permission:
    - (i) the making of a material change of use of the land from use as agricultural land to use for recreation or leisure purposes including ancillary storage;
    - (ii) the siting of a wooden summerhouse for non-agricultural storage purposes; and
    - (iii) the siting of a portable toilet.
  - The requirements of the notice are:
    - (i) Permanently cease any recreation or leisure use of the land.
    - (ii) Permanently remove the summerhouse, portable toilet and any items stored on the land ancillary to the recreation or leisure use.
    - (iii) Restore the land to its former condition before the breach took place.
  - The period for compliance with the requirements is 3 months after the notice takes effect.
  - The appeal is proceeding on the ground set out in section 174(2)(d) of the Act.
  - A site visit was made on 3 June 2025.
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### Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

### Background

2. The site lies within the open countryside and comprises a linear field with, save for the gated point of access near its south-eastern corner, dense vegetation on its roadside boundary. The wooden buildings within the site are reached by a grassed track leading to a mowed/cropped area. The summerhouse has a pitched, felted roof with glazed double doors and a window on one gable end and a window on both side elevations.

The structure sits on a base seemingly comprising railway sleepers and has a wooden step or 'veranda' area to the front, comprising 3 pallets. What the LPA described as a '*portable toilet*' is a wooden structure that is mounted on a pallet, has a mono pitched roof, apparently comprised of corrugated sheeting, and with plastic awning for a door. A nylon rope was looped several times round its upper part and either end was tied to adjoining trees. Various items were kept in the vicinity of the buildings including water butts, solar shower, table, vehicle-top luggage box, sink and draining board set in a wooden frame, stove-top kettle, sundry containers and basins, a ladder, dog bowl and pieces of timber.

### **Procedural matters**

3. The appellant stated that the summerhouse was placed on concrete sleepers, so that no concrete footings were required. However, he did not indicate that he wanted to make an appeal in accordance with section 174(2)(c) of the Act whereby that the matters alleged in the enforcement notice (if they occurred) do not constitute a breach of planning control.
4. His planning consultant said that both the summerhouse and toilet are portable structures that were simply placed on the ground and are, therefore, ancillary to the recreational use; not buildings that require permission in their own right. His previous sentence started with '*Appeal is made under ground d only*' and went on to refer to immunity of the change of use from non-agricultural to recreational use to by virtue of the passage of time. In this context, I consider there to be no 'hidden' appeal on ground (c).

### **The appeal on ground (d)**

5. The appeal on ground (d) is that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
6. The appellant's case in respect of the alleged material change of use of the land from agricultural to use for recreation or leisure purposes is that it commenced more than 10 years prior to the service of the enforcement notice, i.e. 31 January 2014, and has continued throughout that period. In accordance with the provisions of section 171B(3) of the Act, it is contended that the use is immune from enforcement action.
7. The appellant and his late partner submitted a signed and witnessed statement advising that they bought the land in October 2020. At the time of viewing it, they stated that the previous owner Mr Lloyd, who lived in Cheltenham, had a caravan sited on the land. They reported that neighbours said that the caravan had been there for many years. They stated that the caravan had been there since 2009 of thereabouts and, on the appeal form, that the land subject of the notice had been used since 2008 exclusively for recreation and leisure purposes and not for agriculture. At the time of buying the land they recounted that Pat and Hedley Picton had advised that Mr Lloyd was brought up in the area and after moving to England, bought the land from Llety Farm for regular use by his family for camping and staying in the caravan. Prior to signing the contract with the appellant and his late partner, Mr Lloyd had the caravan removed to allow the field to be cleared of backthorn and brambles. The appellant advised that they drove to the site in their campervan, parked it in the field and slept therein.
8. Mr Picton submitted an email, dated 26 February 2024, stating he had lived in Carnhedryn for 30 years, the first 15 of which he assisted the late Mr James of Llety Farm. The site being one of several fields used for grazing Mr James's ponies. On Mr James's death, circa 2007, he added that the farm was put up for sale and Mr Lloyd

purchased the subject site with the intention of parking a caravan there for recreational visits. Mr Picton stated that he acted as key-holder for Mr Lloyd until 2020 when the field was sold and that he oversaw the removal of the caravan. He added that the appellant and his late partner intended to continue the recreational use of the site for parking their motorhome and spending occasional weekends there.

9. Mr Mounteney owns the field that is contiguous with the northern and eastern boundaries of the site subject of the enforcement notice. He wrote to the Local Planning Authority (LPA) in June 2022, giving an address in St Davids, advising that he was familiar with the site since about 2005. He added that for at least 10 years, until about mid-2020, there was a static caravan standing permanently in the field; it was sometimes used, but not permanently occupied, by the former owner. Mr Mounteney stated that the caravan was removed from the field in about mid-2020.
10. The LPA submitted 7 aerial photos of the land subject of the notice. They do not bear a date stamp. Three are stated to be from: 1999-2000; 2006; and 2009-2010. In the 2006 photo, there appears to be a structure, plant or machinery in the site's south-western corner but not in the location that the appellant, his late partner nor Mr Mounteney indicated the former caravan was stationed. In the other 2, there is no sign of a caravan, suggesting that it was at least 2009 before Mr Lloyd placed his caravan on the site. The next 3 photos are advised to be from: 2013-2014; 2017; and 2020. All 3 show a white object in the same location and the LPA does not dispute that this was a caravan. The final image from 2023 shows that the caravan had been removed, the summerhouse was on site and what the LPA suggests is the appellant's campervan, was parked in a different location to the former caravan.
11. For the ground of appeal to succeed in respect of the alleged material change of use of the land, the onus is on the appellant to demonstrate, on the balance of probability, that the breach of planning control was immune from enforcement action due to the passage of time; in this case being a continuous period of ten years prior to the date on which the enforcement notice was issued.
12. Save for the appellant's contradictory evidence about Mr Lloyd placing the caravan on the site in 2008 or 2009, the aerial photos corroborate the third-party submissions that it was stationed there sometime in 2009. Whilst the evidence from Messrs Picton and Mounteney is not in the form of an affidavit, their familiarity with the site subject of the enforcement notice being appealed, coupled with the aerial photos. suggests that it is more likely than not that the caravan was on site for a 10-year period between 2009 and 2020. However, this is not, of itself, persuasive that the entirety of the site for recreational or leisure use had acquired immunity from enforcement action in the 10 years prior to service of the enforcement notice on 31 January 2024.
13. Evidence on the frequency of the caravan's occupation varied. Mr Picton described it as '*regular*' and Mr Mounteney as '*sometimes used*'. There is no accompanying evidence on matters such as: the frequency of use of the field for camping; whether such use exceeded 28 days in a calendar year as permitted by Class B, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) without the need for express planning permission; or that the use of the land by a person travelling with a caravan for one or two nights did not extend beyond 28 days in a calendar year without the need for a site licence as provided for by Paragraph 2, First Schedule of the Caravan Sites and Control of Development Act 1960.
14. There is no reason to doubt the appellant's and third parties' common evidence that the caravan was removed from the land in mid-2020. That the former caravan was removed pending sale of the land in October 2020 is not fatal to the appeal. However, other than Mr Hedley's evidence that the appellant intended to spend '*occasional weekends*' on

the land, there is no evidence on the frequency and duration of its recreational or leisure for parking his campervan between purchasing the field in October 2020 and 31 January 2024 when the enforcement notice was served.

15. When considered in the round, the evidence suggests that there were material fluctuations in use of the site for recreation or leisure purposes and I am not persuaded that the use had, on the date of service of the notice, acquired immunity from enforcement action in accordance with section 171B(3) of the Act. Therefore, on the balance of probabilities, the appeal on ground (d) fails in respect of the material change of use of the land from agriculture to use for recreation or leisure purposes including ancillary storage. On that basis, the summerhouse and portable toilet are not ancillary or incidental to the land's lawful use.
16. The evidence also suggests that the buildings are not immune from enforcement action in accordance with section 171B(2)(b) of the Act whereby they were substantially complete by 31 January 2020 i.e. 4 years before service of the enforcement notice subject of this appeal. Therefore, the appeal on ground (d) also fails in respect of the operational development subject of the notice.

### **Conclusion**

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed and the enforcement notice upheld.
18. 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 that Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives, as required by section 8 of the Act.

*J de-Courcey*

INSPECTOR



## Appeal Decision

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by R H Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 04/06/2025

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Appeal reference: CAS-04090-F4T6F8

Site address: Parc Yr Eglwys, Brynhenllan, Dinas Cross, Newport SA42 0SH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991. The appeal is made by Lyndon Michael George & Tracy Louise George against an enforcement notice issued by Pembrokeshire Coast National Park Authority.
  - The enforcement notice, numbered EC22/0076, was issued on 28 January 2025.
  - The breach of planning control as alleged in the notice is  
*‘Without planning permission:*
    - (i) *The construction of a hardstanding access track and turning area and siting of a storage container; and*
    - (ii) *The making of a material change of use of the land from agriculture to a mixed use for agriculture and for personal storage purposes’.*
  - The requirements of the notice are:
    - (i) *Permanently cease any non-agricultural use of the land*
    - (ii) *Permanently remove the storage container from the land*
    - (iii) *Remove the hardstanding, track and turning area and remove all resultant material arising from the land*
    - (iv) *Restore the land to its former condition before the breach took place.*
  - The period for compliance with the requirements are:  
*3 months beginning with the date on which this Notice takes effect.*
  - The appeal is proceeding on the grounds set out in section 174(2) g) of the Town and Country Planning Act 1990 as amended.
  - A site visit was made on 30 May 2025.
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### Decision

1. The Enforcement Notice is corrected by:
  - Deleting the Enforcement Notice Reference “EC22/0076” and replacing it with “EC23/0076”.

2. Subject to this correction, I dismiss the appeal and the enforcement notice is upheld.

### **Preliminary Matters**

3. The Council has confirmed in its Statement of Case that the Enforcement Notice (EN) reference of EC22/0076 is incorrect and should be EC23/0076. Since no injustice would be caused to the appellant I will correct the notice accordingly.
4. The appeal was originally made on grounds (a) and (g). In correspondence dated 25 March 2025, PEDW confirmed that no fee had been received within the prescribed timescales. Therefore, the planning merits of the alleged development cannot be considered when deciding this appeal. I will determine the appeal made under ground (g).

### **The Ground (g) appeal**

5. This ground of appeal is that the period for compliance with the notice falls short of what should reasonably be allowed. In this case, the enforcement notice requires compliance within 3 months.
6. The appellants argue that a period of 12 months would be more appropriate to allow for the safe removal of the container which would need to be towed off site, to remove all planting that has started to establish and also to allow for a contractor to come to site to break up the handstanding areas and relay these to grass. A period of 3 months does not give ample time to allow for the appellants to secure a contractor to undertake the necessary work to comply with the enforcement notice. The appellants also state that it is an offence to trim a hedge and/or remove a hedge during nesting bird season as protected by the Wildlife & Countryside Act 1981, the applicants could only undertake this work outside of 1st March to 31st August.
7. I saw that the container located within the middle of the site is quite small. Therefore, it would not take long to arrange for this to be removed from the site and I consider 3 months would be ample time to do this. I also consider that 3 months would be an appropriate amount of time to find and instruct a contractor to undertake the necessary works to remove the hardstanding areas and access track and remove the resultant material off the site. It has not been made clear to me why it would be difficult in this instance to find a contractor to undertake the works and why a period of 12 months would be needed.
8. Whilst I noted that a large number of non-native trees have been planted around the boundary of the site, the requirements of the enforcement notice does not make any reference to the removal of these trees. However, requirement (iv) refers to the need to restore the land to its former condition before the breach took place. I consider that a period of 3 months would be sufficient time to undertake the work of removing the trees.
9. I have been mindful that the need for an extension of the period for compliance needs to be balanced against the harm set out in the notice, which in this case is the harm to the rural landscape and to the special qualities of the National Park, and the conflict with the Development Plan. Extending the period of compliance to 12 months, as suggested by the appellant, would prolong the identified public harm without necessary justification or mitigation.
10. The harms identified in the enforcement notice represent the public interest which I must weigh against the arguments put forward by the appellant. The appeal on ground (g) must, therefore, fail.



11. In reaching my conclusions, 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.

*RH Duggan*

INSPECTOR



## Appeal Decision

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by C D Sweet MPlan MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 23/06/2025

Appeal reference: CAS-04035-X8T2C9

Site address: The Hibernia Inn, 60 Angle Village, Angle, Pembrokeshire, SA71 5AT

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- 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 Mrs Kath Lunn against the decision of the Pembrokeshire Coast National Park Authority.
  - The application Ref NP/24/0369/FUL, dated 26 June 2024, was refused by notice dated 19 September 2024.
  - The development is described as erection of 6 x 6m decking area to the front of building (retrospective).
  - A site visit was made on 18 June 2025.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. There is some difference between the descriptions of development used on the application form, the National Park Authority's (NPA) decision notice and the appeal form. I have used the description from the NPA's decision notice as it most succinctly describes the development.
3. All of the descriptions used by the parties refer to the decking area as being '6 x 6m'. However, the submitted photographs titled 'Measurements of decking' suggest that it may actually measure some 6.45m x 5.96m. Nonetheless, it was evident at my site visit that the decking area is in place and the appeal clearly seeks retrospective planning permission for what has been built. I have therefore dealt with it on that basis.

### Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Angle Conservation Area, with regard to the settings of nearby listed buildings and the appeal site's location within the Pembrokeshire Coast National Park (PCNP).

### Reasons

5. The appeal property is a public house located on the northern side of the B4320 near its junction with Shirburn Close, within the Angle Conservation Area (CA).
6. Whilst there are a number of more modern exceptions, notably at Shirburn Close, the street scene close to the appeal property is largely characterised by a significant

proportion of historic buildings, the frontages of which are almost entirely free from any sizeable modern alterations and additions.

7. This gives the street scene at this point a distinctive, traditional appearance and a sense of the historic built form which is a significant part of the CA's established character and allows for nearby listed buildings at 23 and 24 Angle Village to be viewed in their historic context, forming an important part of their setting. The similarly traditional appearance of the Hibernia Inn makes a positive contribution to both the character and appearance of the CA and the setting of those listed buildings.
8. Although partially screened by existing boundary treatments when approaching from the west, the decking area is clearly visible within the street scene in medium and longer range views when approaching from the east and particularly so from close to the junction of the B4320 and Shirburn Close.
9. The decking area's timber construction is somewhat reflective of other smaller features found locally, such as porches, gates and fences and I acknowledge that the NPA may support the use of such materials in certain circumstances. Nonetheless, due to its height, depth and position close to the road, the decking area appears as an overly prominent, modern addition which partially obscures the traditional appearance of the Hibernia Inn and appears incongruous when viewed in context with the more traditional, unaltered built form nearby.
10. This significantly diminishes the predominantly traditional appearance and sense of historic built form within the street scene at this point and fails to preserve the character or appearance of the CA, the settings of nearby listed buildings or the cultural heritage of the PCNP.
11. I have considered the examples of other development brought to my attention by the appellant and I note their concerns regarding consistency of decision making. However, whilst there may be some similarities between those examples and the development before me, their exact circumstances and locations are different, such that they do not provide a direct comparison. I have considered this development on its merits, in the specific circumstances of this case.
12. Irrespective of the previous arrangements for outdoor seating at the front of the appeal property, I find that the decking area conflicts with policies 1, 8, 14, 29 and 30 of the Pembrokeshire Coast National Park Local Development Plan 2 (September 2020) which, among other things, require that development is compatible with the cultural heritage of the Park and designed well in relation to place and local distinctiveness, that the historic environment is protected and where possible enhanced and that development would not have an unacceptable adverse effect on locally distinctive characteristics or be visually intrusive.

### **Other Matters**

13. I note the appellant's difficulty in attracting customers to the appeal property's rear garden area during good weather and I accept that visibility for drivers approaching the front of the appeal property along the B4320 from the west is slightly limited by existing boundary treatments.
14. I have nothing to contest the limited number of anecdotal incidents referred to by the appellant and interested parties. However, I also have no cogent evidence to suggest that such incidents have occurred regularly, that the previous situation at the appeal property posed a significant risk to highway safety or that the appellant's desire to provide a safe environment for customers and their children could not be achieved by other, less harmful alternatives. Therefore, whilst the decking area may not have increased the number of customers using the front seating area and offers some benefit in terms of

greater enclosure, that benefit is modest and does not serve to outweigh the identified harm.

15. I accept that Angle may have previously lost other local facilities and fully acknowledge the degree of support for the appellant's business from residents, visitors and the Community Council demonstrated by the submitted representations and petition. I do not doubt that the Inn is an asset to the community.
16. However, I have no substantive evidence to suggest that the Inn would become unviable or unable to continue operating as a business, or that it would be used for other purposes should planning permission be refused. Therefore, whilst I acknowledge the challenges facing public houses more generally, I afford this argument limited weight.
17. I note the appellant's willingness to discuss alternative approaches to enclosure and the use of lighting with the NPA and their suggestions that a concrete wall may be more harmful than the decking area, with such works also being potentially disruptive. I also note the suggestion from the Council's Conservation Officer that a traditional wall may be more appropriate. However, such alternatives are not before me in this appeal and as such, I make no comment on them.

### **Conclusion**

18. I have considered all other matters raised, but none alters my conclusions. For the reasons given above, I therefore conclude that the appeal should be dismissed.
19. 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.

*C D Sweet*

INSPECTOR