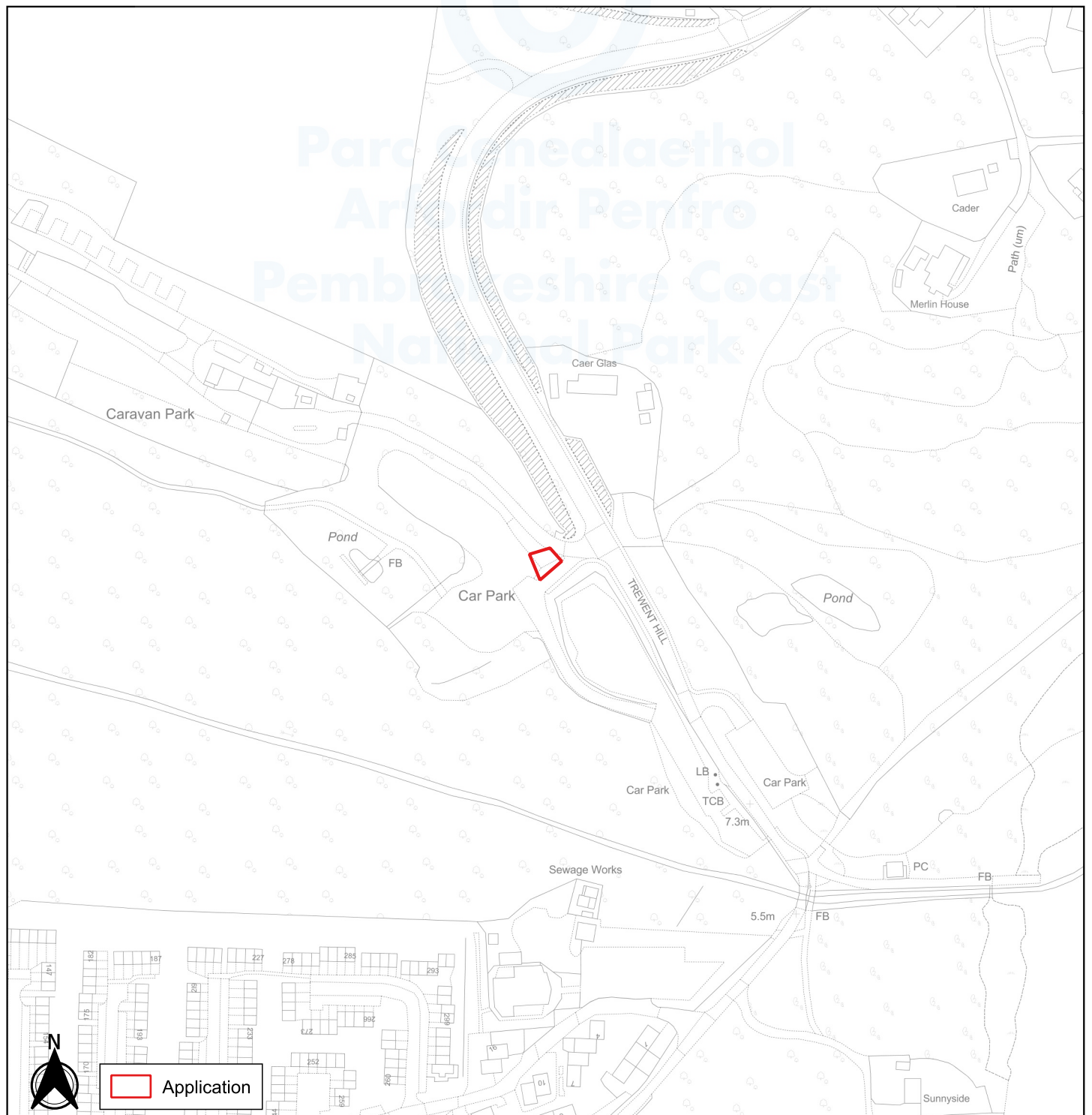
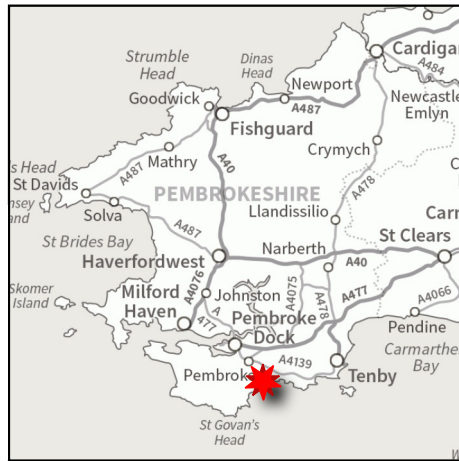




Parc Cenedlaethol
Arfordir Penfro
Pembrokeshire Coast
National Park

Graddfa/Scale: 1:2,500



PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY DELEGATED DECISION REPORT



Ref No: NP/26/0411/FUL

Proposal: Installation of a new pay & display vending machine & relocation of existing signage

Site Location: PCNPA Car Park, Freshwater East, Pembroke, Pembrokeshire, SA71 5LJ

Recommendation: **Approve**, subject to conditions

Summary:

The application seeks to install a new pay and display vending machine and relocation of existing signage at the PCNPA car park at Freshwater East.

The existing carpark area and parking fee terminals allow the proposal to be considered to accord with Local Development Plan Policies.

The proposed works are considered acceptable, subject to conditions.

This application is being presented to the Development Management Committee as the application has been submitted by this Authority.

The planning application can be viewed online via: [Citizen Portal Planning](#)

Consultee Response

- Lamphey Community Council – Supporting, subject to recommendations
- PCNPA Ecology – No objection
- PCNPA Highways – No objection

Public Response

A site notice and neighbour notification letters were posted in accordance with requirements of the *Town and Country Planning (Development Management Procedure) (Wales) Order 2012*.

No representations have been received, *or delete and insert consultees and responses*

Policies considered

Development Plans

All planning applications in Wales need to be determined in accordance with the statutory Development Plan:

Future Wales: The National Plan 2040 [Future Wales: The National Plan 2040](#) (FW)

Local Development Plan 2 (Adopted September 2020)

Within the Pembrokeshire Coast National Park, The Local Development Plan 2 (LDP2) is also part of the relevant development plan with the following Policies being applicable to this proposal.

- Policy 01 (National Park Purposes and Duty)
- Policy 08 (Special Qualities)
- Policy 10 (Sites and Species of European Importance)
- Policy 11 (Nationally Protected Sites and Species)
- Policy 14 (Conservation of the Pembrokeshire Coast National Park)
- Policy 29 (Sustainable Design)
- Policy 30 (Amenity)
- Policy 32 (Surface Water Drainage)
- Policy 59 (Sustainable Transport)
- Policy 60 (Impacts of traffic)

These policies can be viewed on the Policies page of Pembrokeshire Coast National Park website: <https://www.pembrokeshirecoast.wales/wp-content/uploads/2024/01/LDP-Text-for-Adoption-Web.pdf>

Planning Policy Wales (PPW12)

PPW12 sets out the land use planning policies of the Welsh Government.

The primary objective of PPW12 is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

- [Planning Policy Wales 12](#) (PPW12).

Technical Advice Notes

The Future Wales Plan should be seen and read as a whole, and in conjunction with National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) as well as considering the following Welsh Government Technical Advice Notes (TAN's) www.gov.wales/technical-advice-notes:

- TAN 5 – Nature Conservation and Planning
- TAN 7 – Outdoor Advertisement Control
- TAN 12 – Design
- TAN 15 – Development and Flood Risk

LDP2 Supplementary Planning Guidance

In addition, the Authority produces Supplementary Planning Guidance (SPG) on various topics, and these may be material considerations in the determination of any future application made. In respect of the proposal the most relevant SPG's are: [Supplementary Planning Guidance \(LDP2\) - Pembrokeshire Coast National Park](#)

- SPG - Biodiversity
- SPG - Landscape
- SPG - Seascapes
- SPG - Sustainable Design and Development

Constraints

- Technical Advice Note 15
- Local nature Reserve within 25 m
- NPA Property within 25 m
- SAC within 500 metres
- Rights of Way inland - within 50 metres
- Recreation Character Areas
- Affordable Housing submarkets
- Landscape Character Area

Officer's Appraisal

The application seeks to install a new pay and display vending machine and relocation of existing signage at the PCNPA car park at Freshwater East, to the south of west of Trewent Hill.

The original location of the pay and display machine and associated signage is on the verge of a section of permeable surfaced car park, with the proposed location closer to the main entrance of the car park, on a section of grassed verge located between the main car park entrance from Trewent Hill, and the access to the adjacent caravan park.

The proposed site lies within the Freshwater East Local Nature Reserve, the beach coast recreational character area and the Manorbier/Freshwater East Landscape Character Area (LCA 4).

The site is approximately 400 m north-west of the Freshwater East Beach, the Stackpole Quay / Trewent Point SSSI, and the Pembrokeshire Marine SAC.

1. Site and Proposed Development

The proposal comprises:

- Installation of new pay and display vending machine
- Relocation of existing signage.

2. Relevant Planning History

- 05/237 – Mobile Ice cream van – Approved
- 08/029 - Ice cream van for 5 years (1 March - 31 October) – Approved
- 10/062 - Replace and Re-Site Pay and Display Machines and Signage – Approved
- NP/12/0232 - Siting of a single mobile ice-cream van between 1st April and 31st October each year – Approved – 08/08/2026

3. Key Issues

The application raises the following planning matters:

- 3.1 Policy and Principle of Development
- 3.2 Siting, Design, and Impact upon the Special Qualities of the National Park
- 3.3 Amenity and Privacy
- 3.4 Biodiversity, Protected Sites, Green Infrastructure & Landscaping
- 3.5 Access and Parking

3.1 Policy and Principle of Development:

113. Section 38 of *The Planning and Compulsory Purchase Act 2004* requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the National Park comprises Future Wales - The National Plan 2040 (FW) and the Local Development Plan 2 (LDP2).
114. Future Wales – The National Plan 2040 (FW), was adopted on 24th February 2021 and is the National Development Framework for Wales, and the national tier of the Development Plan. Policy 4 (Supporting Rural Communities) states that Strategic and Local Development Plans must identify their rural communities, assess their needs, and set out policies to support them. On page 104, Future Wales states that: *'National Park Authorities are unique planning entities with a specific remit to reflect the distinctive characteristics of their areas...and that Future Wales policies respect the functions of National Parks in terms of their statutory purposes...'*
115. The primary objective of PPW12 is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales, as required by the *Planning (Wales) Act 2015*, the *Well-being of Future Generations (Wales) Act 2015* and other key legislation and resultant duties such as the Socio-economic Duty.
116. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW12 promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.
117. The proposed works are located within the countryside and outside of any rural centre boundary. Consequently, Policy 7 (Countryside) of the LDP2 must be adhered to.
118. The National Park countryside is an important contributor to tourism, farming, conservation etc. Issues for the Park include finding the right approach to the amount of development to be permitted, taking account of accessibility issues, the need to sustain local communities and the need to protect the National Park landscape.
119. The proposal does not result in significant additional development but is restricted to the relocation of existing signage on site and a new pay and display machine.
120. Lamphey Community Council were consulted on the application and noted:

'Lamphey Community Council in favour of the new pay and display vending machines/signage as long as the revenue raised from the car parking fees goes towards the continued support of keeping the toilets at Freshwater East open. Noted that users of the car park have difficulty in getting a strong enough signal to pay on the app. Can you include a way of paying by card on the machine as Councillors have witnessed visitors getting distressed and irritated by the lack of phone signal at the site. Alternative methods of payment need to be offered other than paying by phone due to the poor signal at the site.'

121. These points regarding fees and Wi-Fi signal are duly recorded and noted; however, they are not fundamental planning matters and would not be material to the planning decision process.
122. The proposal is considered acceptable and is not considered to be detrimental in terms of Policy 7 (Countryside) of LDP2.

3.2 Siting, Design, and Impact upon the Special Qualities of the National Park

123. Policy 08 (Special Qualities) of LDP2, is a strategy policy which refers to the special qualities of the National Park and lists priorities to ensure that these qualities will be protected and enhanced. These qualities are characteristics and features which individually or in combination contribute to making the National Park unique.
124. Policy 14 (Conservation of the Pembrokeshire Coast National Park) of LDP2 seeks the conservation of the Pembrokeshire Coast National Park, resisting development that would cause significant visual intrusion, be insensitively or unsympathetically sited within the landscape, and/or fail to harmonise with, or enhance the landform and landscape character of the National Park.
125. Policy 29 (Sustainable Design) of LDP2 requires all development proposals to be well designed in terms of place and local distinctiveness.
126. The proposal is unlikely to have detrimental impacts on the character of the site or the associated Landscape Character Area as the proposed works are considered necessary infrastructure replacements in existing carparks.
127. The application includes a GIS statement that follows the stepwise approach; however, the initial GIS did not propose any biodiversity enhancements, due to the scale of the development, and being located within a Local Nature Reserve.
128. The Landscape Character Area SPG notes *that there is a diverse range of habitats including sand dunes, cliffs, sandy beaches, rocky shores, reed bed (at Freshwater East), scrub, deciduous woodland and dry heathland. The area supports numerous important species including chough, peregrine falcon and a large number of rare plants.*
129. The lack of proposed green infrastructure and biodiversity enhancements in this particular context is acceptable and proportionate, as additional planting or biodiversity may not be suitable to the local nature reserve management.
130. The management guidance of Manorbier/Freshwater East Landscape Character Area (LCA 4) also looks to Improve the integration of tourism development into the landscape.
131. The proposed works and infrastructure are considered acceptable in terms of Policy 8 of LDP2, and the pay and display machine is considered unlikely to have a negative impact on the wider landscape. The proposed works are considered to be modestly designed in terms of scale, and the siting would not adversely impact the

immediate and wider landscape, as it would relate to the car park in which it is located, and would not be considered incongruous to the setting.

132. Consequently, the proposal is considered acceptable in terms of Policies 08, 14, and 29 of LDP2 and TAN 24.

3.3 Amenity and Privacy

133. Policy 30 (Amenity) of LDP2 seeks to protect the amenity of people living in the National Park and states that development will not be permitted where it has an unacceptable adverse effect on amenity, particularly where:
- a) the development would have a detrimental impact on the quality of the environment currently enjoyed by people living, working or visiting the Park; and/or
 - b) the development is of a scale incompatible with its surroundings; and/or
 - c) the development leads to an increase in traffic or noise or odour or light which has a significant adverse effect; and/or
 - d) the development is visually intrusive.

Policy 30 (Amenity) supports Policy 14 (Conservation of the Pembrokeshire Coast National Park) in not allowing development that creates a visual intrusion.

134. The proposed pay and display machine and relocated signage would be more prominent from public areas such as Trewent Hill, however, the relocation would remove the existing structure from the edge of and existing area of scrub.
135. As there was a previous level of visual intrusion caused by the existing infrastructure, the proposed parking fee terminals are considered unlikely to exacerbate the existing level of visual impact in this new location.
136. Due to the minimal scale of the proposed infrastructure and the nature of the site, already established as a car park, the Authority considers the development to be acceptable as it would unlikely have an adverse impact on the visual amenity of the site.
137. As a result, the Authority considers that the proposal is compliant with the requirements of Policy 30 of LDP2.

3.4 Biodiversity, Green Infrastructure & Landscaping and Protected Sites

Biodiversity impacts

138. PPW12, TAN5 and Policy 11 (Nationally Protected Sites and Species) of LDP2 requires biodiversity considerations to be taken into account in determining individual applications. The presence of a species protected under UK or European legislation is a material consideration when dealing with applications that are likely to result in disturbance or harm to the species or its habitat.
139. The site is within the Freshwater East Local Nature Reserve

Net Benefit for Biodiversity and Green Infrastructure

140. To comply with Planning Policy Wales 12 (2024) and the *Environment (Wales) Act 2016*, planning authorities are expected to ensure every development positively contributes to biodiversity and that overall, there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced wellbeing.
141. Chapter 6 of Planning Policy Wales 12 states that green infrastructure plays a fundamental role in shaping places and our sense of well-being, and is intrinsic to the quality of the spaces we live, work and play in.
142. It also states that a green infrastructure statement should be submitted with all planning applications and that the green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the stepwise approach has been applied.
143. The application includes a GIS statement; however, due to the scale of the development, and being located within a Local Nature Reserve, there are no additional enhancement proposed as part of the development. However, it is considered acceptable in this instance as the existing and continuing management of the site as a Local Nature Reserve will result in continued biodiversity enhancement.
144. This was echoed by the PCNPA Ecologist who noted via consultation that they were satisfied *‘that NBB and enhancements around the site will be achieved through the long-term management of the site.’*

Sites of Special Scientific Interest (SSSI)

145. The *Wildlife and Countryside Act 1981 (as amended)* places a duty on public authorities in exercising their functions, so far as this is likely to affect the flora, fauna, geological or physiographical features of a Site of Special Scientific Interest (SSSI), to take reasonable steps consistent with the proper exercise of their functions to further the conservation and enhancement of those features.
146. Additionally, Paragraphs 6.4.25 & 6.4.26 of PPW12 relate to developments in or in close proximity to Sites of Special Scientific Interest (SSSI), with 6.4.26 stating that: *‘There is a presumption against development not within a SSSI but likely to damage SSSI. In such cases, proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are carefully understood, and development should be refused where there are adverse impacts on the features for which the site has been designated. International and national responsibilities and obligations for conservation should be fully met, and consistent with the objectives of the designation, statutorily designated sites should be protected from damage and deterioration, with their important features conserved and enhanced and the capacity for restoration demonstrated by and through appropriate management.’*
147. *In this case the site is not on or in proximity to a SSSI and therefore no impacts on a SSSI are envisioned from the proposal.*

Habitat Regulations Assessment

148. SACs and SPAs are of European importance. Under the *Conservation of Habitats and Species Regulations (2017)* (the Habitats Regulations), all public bodies

(including planning authorities) must have regard to the requirements of the EC Habitats and Birds Directives when carrying out their functions.

149. Before authorising development or adopting a land use plan which is likely to have a significant effect on a SAC or SPA (including where outside the boundary of the SAC or SPA), planning authorities must carry out a screening to determine whether there is likely to be a significant effect on the SAC or SPA. Where a proposal is screened in the planning authority must undertake an appropriate assessment of the implications for the designated features, consult NRW and have regard to NRW's representations.
150. In this case the Authority has considered the proposal and considers that there is no likely significant effect on a SAC or SPA. The development is considered to be appropriate in terms of Policies 10 and 11 of LDP2 and compliance with the requirements of the Environment Act (Wales 2016), the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations (2017)

3.5 Access and Parking

151. Policy 59 (Sustainable Transport) of LDP2 is a strategic policy that ensures opportunities are taken to improve and promote sustainable travel choices and reduce the need to travel by car by permitting proposals that assist in delivering improved traffic and parking management.
152. Additionally, Policy 60 (Impacts of traffic) of LDP2 permits development where appropriate access can be achieved.
153. PCC Highways were consulted, and noted:

'..... the CHA can confirm that the proposed development will not adversely impact the existing parking arrangements, access or local Highway Network.

The application has been considered by the COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds has no further comments to make.'

154. The proposal is considered to be appropriate in terms of Policies 59 and 60 of LDP2.

4. Conclusion

155. The proposed installation of a Pay and Display terminal, along with relocation of existing signage is considered to be minimal in terms of scale, siting, visual amenity and biodiversity.
156. The proposed works are not considered to have an adverse impact on the character of the immediate landscape.
157. The works have been assessed in the context of existing infrastructure, design, and siting, and consequently, the proposed works are recommended for approval, subject to conditions.
158. In reaching a recommendation, regard has been given to the requirements of sections 3 and 5 of the *Well Being of Future Generations (Wales) Act 2015* of 83
Pembrokeshire Coast National Park Authority
Development Management Committee - 21 October 2026

considered that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

5. **Recommendation**

APPROVE, subject to the following conditions:

1. The development shall begin no later than five years from the date of this decision.
Reason: Required to be imposed pursuant to Section 91 (1) of the *Town and Country Planning Act 1990* (as amended).
2. The development shall be carried out in accordance with the following approved plans and documents:
 - sk28/07/26-01 - Freshwater East New Pay and Display (P&D) Machine Proposal**Reason:** In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

Adherence condition

3. Any additional external lighting required to illuminate the signage, and machine should be low level, hooded and downward facing to avoid light spill, avoid shining directly onto features such as woodland edge and hedgerows, and should be operated on a PIR activated timer. Lighting details should be submitted to and approved in writing by the Local Planning Authority prior to installation.
Reason: In the interests of maintaining the special qualities of the landscape and habitats of the National Park through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value. Policy: Local Development Plan 2 - Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Nationally Protected Sites and Species), 14 (Conservation of the Pembrokeshire Coast National Park), 30 (Amenity) and to comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Environment (Wales) Act 2016.

ENFORCEMENT MATTERS

Case Reference No: EC26/0126

Site Address: Land at Froghall Yard, Moreton Lane, Saundersfoot, Pembrokeshire, SA69 9JG

Subject:

The making of a material change of use of the land from woodland to a mixed use of woodland and the siting of a mobile home for residential and/or storage purposes and the carrying out of engineering operations involving the laying of drainage pipes and associated groundworks.

Background

1. On 7th March 2024 the Authority opened an enforcement investigation under reference number EC24/0029 following a report that a touring caravan was sited on the land at Froghall, Moreton Lane, Saundersfoot. Shortly afterwards towards the end of March, further concerns were raised by residents that some of the trees which were covered by the Tree Preservation Order TPO77 had been felled. A site visit was made by the Authority's tree officer who was able to confirm that no trees subject to the TPOs had been felled, however there was a touring caravan on site, an area of scrub or woodland had been cleared and a digger brought onto site along with an unspecified amount of hardcore.
2. A fence was erected around the boundary of the site between May and July 2024 which was considered likely to fall within permitted development. It was considered that the touring caravan could remain under Schedule 2 Part 4 Class A of the GDPO whilst the fence was being constructed '*the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.*'
3. A Planning Contravention Notice was served on 19th July after it became evident that no further permitted development work was being carried out on the site and the touring caravan remained. Furthermore, on the 19th July 2024 the Local Planning Authority received reports that a static caravan had been delivered to the site and had been placed on the edge of the western side of the site. There were concerns that the delivery of the caravan indicated an intention for it to be used for residential purposes particularly as drainage and other associated connections had and were being made.
4. A Temporary Stop Notice was therefore served on the 19th July 2024 under Section 183 of the Town and Country Planning Act requiring the ceasing of all activity specified in the Notice. The activity related to the use of the land for the siting of a mobile home and caravan for residential and/or storage

purposes and the carrying out of associated works. The Temporary Stop Notice expired on the 16th August 2024.

5. An Enforcement Notice was served on the 14th August 2024 under Section 172 of the Town and Country Planning Act and a further Stop Notice was served on the 17th August 2024 which continued the requirements of the Temporary Stop Notice. The Enforcement Notice required the time for compliance as 6 weeks beginning with the day on which the Notice took effect. The Notice took effect on 20th September 2024.
6. The owner appealed the Enforcement Notice on ground (g) – that the time given to comply with the notice was too short. This appeal was dismissed on the 20/03/2025 and the Enforcement Notice was upheld.
7. Following this, the owner has submitted two planning applications to the Authority. The first application was NP/24/0638/FUL for the creation of one traveller site incorporating one static caravan, one touring caravan, a day/utility room and ecological enhancements (partially retrospective) was refused by the Development Management Committee on 21 May 2025. In September 2025, following this decision the Authority wrote to the owner advising that the Enforcement Notice should be complied with and the site restored to its previous condition and that the Authority reserved its rights to issue proceedings to ensure that this happened. Draft proceedings were prepared and sent to the owner.
8. A second planning application (NP/25/0536/FUL) was then received by the Authority. The Authority therefore wrote to the owner advising that in light of the making of the second application, the Authority would withhold the issuing of proceedings until such time as the current planning application was determined and any rights of appeal and challenge exhausted, on the strict proviso that the owner undertook not to occupy the development already carried out and that upon refusal and expiry of any appeal and challenge rights that the development already carried out was removed within 7 days. A formal undertaking to this effect was issued and signed on 29 October 2025.
9. The second application NP/25/0536/FUL for the creation of one traveller site incorporating one static caravan, one touring caravan, one day/utility room & ecological enhancements & woodland creation on the surrounding land (partly retrospective) was refused by the Development Management Committee on 28 January 2026. This refusal was on the basis of three reasons. The first reason was unacceptable landscape impact on the National Park and a failure to and a failure to conserve the National Park and its special qualities as well as a failure to demonstrate a net biodiversity benefit. The second reason was that the proposal failed to demonstrate that impacts on otters and the integrity of the Carmarthen Bay and Estuaries Special Area of Conservation would be avoided. The third reason was that the proposal would introduce caravan development in an area of the National Park without landscape capacity, resulting in unacceptable cumulative impacts. The owner had 6 months from the decision to appeal, but had not done so and the time period for that appeal has now expired.

10. As set out in the legal undertaking dated 29 October 2025, in the event that these planning applications were refused and all rights of appeal and legal challenge expire or were exhausted, the landowner agreed to:
 - remove the mobile home sited in breach of planning from the land
 - remove the lock-up shed erected without planning permission from the land; and
 - remove any residential paraphernalia from the land.within a timescale of 1 month from the date of refusal or the expiry of rights of appeal/legal challenge. This date was the 28th August 2026.
11. In the interim period, the applicant is reported to have stayed overnight in the caravan at the site on several occasions. The stays have been occasional but are in clear breach of the legal undertaking signed on 29 October 2025.
12. A site visit was undertaken on 12 August 2025 in response to reports of a digger on site and to understand the up to date position. The caravan, fence and associated paraphernalia were still present on site and applicant was on site with a digger planting trees. When queried he indicated that the planting was in accordance with his third planning application. Whilst there is no planning control over tree planting, given the history Officers were concerned that the applicant may not understand the background situation properly and they made the Authority's position clear to the applicant.
13. The applicant has been requested to vacate the site by 28 August and Members were updated at the 2nd September 2026 meeting that the caravan and associated structures had been removed from the land.
14. A third application, accompanied by ecology surveys and landscaping plans was submitted on the 10th August 2026 has been considered by Members earlier today and was recommended for Refusal.
15. Reports were received on the 30th of September that a static caravan was being moved back onto the site in breach of both the earlier legal agreement and the previous enforcement notice. A new reference number has been assigned to the breach in light of the fact that the caravan has now been placed in the location subject of the current planning application.
16. Members are asked to authorise that injunction proceedings are commenced to seek the removal of the caravan and associated structures, notwithstanding that there will be a right of Appeal if the earlier application has been refused.
17. This request is made notwithstanding the third planning application and is made in light of the enforcement history to date including breaches of planning control, breach of an enforcement notice, breach of the legal undertaking dated 29 October 2025 and persistent complaints from members of the public.

Relevant Planning History

- NP/25/0536/FUL - The creation of one traveller site incorporating one static caravan, one touring caravan, one day/utility room & ecological enhancements & woodland creation on the surrounding land (partly retrospective) refused by Committee 28 January 2026
- NP/24/0638/FUL – The creation of one traveller site incorporating one static caravan, one touring caravan, a day/utility room and ecological enhancements (partially retrospective) refused by Committee 21 May 2025
- NP/320/851 – Outline application for a bungalow was refused in September 1985
- NP/29/94 – Outline application for a detached dwelling was refused in February 1994
- EC22/0091 - Alleged clearing of land for access - This case was opened on 7th July 2022 following information from a neighbour that the land was being gradually cleared to provide access and to store a caravan. A pre-application was received regarding a property on the land. The landowner was informed that approval was unlikely. The enforcement case is still open/monitoring.
- EC24/0029 - Alleged unauthorised siting of caravan - This case was opened on 7th March 2024 following a report that a caravan was sited on the land. (New Landowner since the previous enforcement case). Unable to take enforcement action on the touring caravan until 28 days had lapsed. Further reports informed us that drainage was being installed. Temp Stop Notice issued on 19th July 2024. Enforcement Notice was issued on 16th September 2024, containing the same information as the Temporary Stop Notice. The enforcement appeal, starting on 26.09.2024, was lodged on Ground G. Appeal Decision on 20/03/2025 - Appeal Dismissed and EN upheld

Current position

1. The site is still the subject of a planning breach and the static caravan, drainage and associated engineering works are unauthorised.
2. Whilst the agent has indicated that they will seek to address one of the reasons for refusal through additional ecological surveys and a further planning application, the two planning applications have both been refused for additional further planning reasons relating to both landscape impact and a failure to conserve the National Park and its special qualities, and landscape capacity which it is not considered can be addressed via further amendments to the proposals.
3. Officers see no further reason to delay in seeking an injunction requiring the removal of the caravan shed and associated paraphernalia from the site. Should any application succeed in due course, or an Appeal be allowed, then the caravan could be brought back on site lawfully at that time and an injunction would not prevent that.

4. The owner identifies as having gypsy traveller status and despite suggestions from third parties during the course of the previous application that that may not be the case, the Authority accepts that status and acknowledges that the owners may be protected under the Equality Act 2010 and the Human Rights Act 1998, just like all ethnic groups with their own culture, language or values.
5. The 1998 Act applies the European Convention on Human Rights (The EHCR) . Article 1 of Protocol No. 1 of the ECHR guarantees the right to the peaceful enjoyment of possessions while allowing deprivation or regulation only in the public interest and under the law. Article 8 of the ECHR protects the right to respect for an individual's home and family life and this is relevant when considering accommodation of Gypsies and Travellers. Article 14 of the EHCR protects enshrines the principle of non-discrimination in the enjoyment of rights which is also relevant.
6. However the owner does not currently live in or occupy the caravan and has alternative accommodation. He and his family will not be rendered homeless as a result of any injunction should an application succeed. The availability of gypsy traveller sites has been considered carefully in determining the two planning applications to date, in respect of which no appeal has been lodged. It will also be considered in relation to the third planning application in due course and if that application is successful there will be nothing to prevent the applicant bringing a caravan back onto the site. An application for an injunction would likely be on notice and would have to be served on the applicant and he would have an opportunity to have his say in the course of proceedings.
7. It is considered that any interference with the applicant's human rights, including in particular Article 1 of Protocol 1, Article 8 and Article 14 of the ECHR is proportionate in all of the circumstances and is in accordance with the Authorities equalities duties.

RECOMMENDATION

It is therefore recommended that:

1. Should the caravan, shed and associated paraphernalia remain on site delegated authority be given to the Director of Place and Engagement to instruct solicitors to commence injunction proceedings in relation to the ongoing failure to comply with the Enforcement Notice.
2. Delegated Authority be given to the Director of Place and Engagement to make all necessary decisions in relation to the conduct of such injunction proceedings.