

REPORT OF THE HEAD OF NATIONAL PARK DIRECTION

SUBJECT: APPEAL ISSUES

Members have previously requested a review of recent appeal decisions in terms of notable outcomes.

Here is a flavour of issues raised or issues to note for future decision making. There is one appeal decision for two wind turbines in the County's planning jurisdiction which should also be of interest.

Appeal A Ref: APP/L9503/A/09/2118504

Site address: Sea Breezes, Parrog, Newport SA42 0RW

The development proposed was extension and alterations to the existing dwelling. Appeal dismissed.

To note: Striking the right balance between innovative design and respecting local distinctiveness.

'Local and national planning policies are supportive of contemporary and innovative design in appropriate circumstances. Nonetheless, Technical Advice Note 12: Design states that 'opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution'. Furthermore, Planning Policy Wales notes that, 'in areas recognised for their landscape, townscape or historic value, such as National Parks, ... and conservation areas, ... , it can be appropriate to seek to promote or reinforce traditional and local distinctiveness'.'

As the balcony would be recessed under the projecting gable roof, it would appear as an integral part of the extension and I do not object to it insofar as this main issue is concerned. However, the extent of the glazing proposed would result in the proposal relating poorly to the more traditional appearance of other properties which are part of the same street scene as Sea Breezes such that it would be out of context with its setting. This would neither preserve nor enhance the character or the appearance of the Conservation Area. As a result, the proposal conflicts with Joint Unitary Development Plan for Pembrokeshire (JUDP) policies 76, 77 and 79.

Appeal Ref: APP/L9503/A/11/2164685

Site address: The Welcome Inn, Castlemartin, Pembroke, Pembrokeshire, SA71 5HW

The development proposed was a new house. The appeal was dismissed.

To note: Understanding and relating to the local context. Complimenting the design approach taken in recent conversions in the village.

'The constituent elements of the settlement, predominantly residential in nature, display an eclectic range of architecture. Some of the 20th century housing development, however, pays scant regard to the more traditional Pembrokeshire vernacular, and devalues the appearance of Castlemartin as a whole. Nonetheless, the village contains a number of cottages, dwellings and more recent good quality conversions exemplifying acceptable local building traditions, which could provide appropriate cues if the design philosophy to be followed on the appeal site were to be directed toward achieving the objective of creating a dwelling of 'traditional' Pembrokeshire appearance, as implied in the Design and Access Statement (DAS).'

Appeal Ref: APP/L9503/A/11/2162376

Site address: Mayville, 21 The Norton, Tenby, SA70 8AA

The development proposed was the change of use to form 4 residential apartments. The appeal was allowed.

To note: The Director of Planning and Direction has written to the Inspectorate querying the approach taken by Inspector regarding his decision that the proposal was not capable of supporting any affordable housing and why the building was not considered to be a community facility despite being used as a hostel by the housing department at the County Council. A response is awaited.

Appeal Ref: APP/L9503/A/09/2117921

Site address: Higney, Rhodiad, St Davids, SA62 6PW.

The development proposed was a personal application for lifetime permission to continue living at home address. The appeal was dismissed.

To note: What buildings proposed for conversion can be regarded as having architectural merit. Applying the Plan's infill policy. What standard of accommodation is required for the provision to be recognized as affordable housing. Access by private car only not acceptable.

'Policy 7, which sets out the limited circumstances in which development will be permitted outside identified Centres within the National Park. Sections (a) to (d) and (g) relate to residential uses. I shall consider each of these in turn. With regard to section

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(a), as they are dissimilar and well separated I do not consider that Rhos-y- Gorse and Sunrays comprise a physically coherent group of buildings. Nor do I consider that they make up an otherwise continuous frontage, or that the appeal site should be considered as a small gap between isolated groups of dwellings.'

'Although the appeal building meets the appellant's need for accommodation that he can afford, it is not proposed that it would become affordable housing as defined at paragraph 9.2.14 of PPW. In any event, whilst the appellant is willing to accept the standard of construction and limited accommodation provided by the appeal building, I have no evidence that it would be suitable as part of the stock of affordable houses.'

'The site does not have good accessibility to centres, except by the use of private vehicle. I conclude that the proposed development would not meet the requirements of LDP Policy 7(a).'

'The appeal building was originally an asbestos-cement clad structure, and was then clad in blockwork. There is no evidence that it was ever of architectural merit. At no time prior to the works being carried out by the appellant was it of a form or general design that would have made a positive contribution to the character of the area. I therefore do not consider that the proposal constitutes the conversion of an appropriate building, and conclude that it would not meet the requirements of LDP Policy 7(d).'

Appeal Ref: APP/L9503/A/11/2167141

The Old Cottage, Llanvirn, Berea, St Davids, Pembrokeshire, SA62 6DX

The development proposed is the conversion of outbuilding to dwelling. The appeal was dismissed.

To note: What is an appropriate level of accessibility for a residential conversion in a countryside location. Please note that draft supplementary planning guidance on accessibility is being drafted and it is anticipated that it will be approved by Members for consultation in June 2012.

'The final strand of LDP policy 7 provides that accessibility to the Centres will be an important consideration. Buses, including school buses, serve Berea, linking it to St Davids and beyond, but the level of the service is such, in the Authority's view, that it is insufficient to provide a realistic alternative to car travel. Neither LDP policy 7 nor its supporting text provides guidance as to what comprises an acceptable level of accessibility when assessing residential uses. The Authority, however, based on information included in a background paper produced during the preparatory stages of the LDP, considers a service providing 5 journeys each way per day to be a minimum requirement for permanent or full-time residential accommodation. On the evidence of the time-tabling information provided by both parties, the bus service for Berea falls short of that deemed by the Authority to be the minimum requirement for the proposed use, particularly in winter. The appellants dispute the Authority's contention, and consider the bus service to be more than adequate to serve the needs of a rural community. They also find it strange that planning permission should rely on what the

Authority perceives as an adequate bus service. However, the Authority's objection appears to run deeper than that, reflecting its wider concern that the location of development should be sustainable, such as to place less reliance on the use of the motor car. In this respect the Authority's stance is wholly consistent with national planning policies.

In distinguishing between the travel behaviour patterns of tourists and full time residents, the Authority contends that tourists are more flexible in their daily routines, and were therefore more likely to use the limited bus service available than full time occupants. For that reason, there was likely to be less reliance on the use of the motor car, which by implication, made the holiday use more sustainable.

No explanation was provided as to whether this view was based on research, or assertion, but it was not a point seriously challenged with relevant and convincing evidence. In the absence of clear evidence to the contrary as to the respective travel patterns of the users of the different types of residential accommodation, I afford limited weight as a material consideration, in this context, to the recent planning permission granted to convert the property to holiday accommodation.

I conclude, in terms of the local need issue, that the proposal does not conflict with LDP policy 7, and that this factor outweighs the material considerations referred to by the Authority. However, the proposal conflicts with LDP policy 7 in terms of its accessibility to local services and the identified Centres, and would lead to the harmful creation of unsustainable development.'

Appeal Ref: APP/L9503/A/11/2169408

Site address: Aelybryn, 1 St Brides View, Fort Road, Solva, Pembrokeshire, SA62 6TB.

The development proposed is alterations and side extension. The appeal was allowed.

To note: The Inspector did not include a suggested condition requiring Energy, Water and Drainage measures to be carried out in the main building as many of them relate to elements of the building for which planning permission would not be required. The suggested condition would therefore not be enforceable. The Director of Planning and Conservation is writing to the Inspectorate to clarify their position as this requirement is set out in Policy 29 of the adopted Local Development Plan and forms part of the Authority's adopted supplementary planning guidance on building extensions (efficiency improvements in the original building). It is also a condition that has been accepted in English appeal decisions.

Appeal Ref: APP/N6845/A/11/2166412

Site address: Dolau Newydd, Blaenffos, Boncath, Pembrokeshire, SA37 0HZ.

The development proposed was two 330kW wind turbines and associated infrastructure. The 'candidate' turbines would have a hub height of approximately 50m, and a 16.7m

blade radius, giving a maximum height to blade tip of about 66.7m. The appeal was dismissed

To note: The assessment of visual impact on the Pembrokeshire Coast National Park

'Whilst some people see wind turbines as elegant and even attractive structures, for many they are an unwelcome intrusion in an otherwise natural landscape. The LVIA has taken the precautionary approach of assuming that the landscape and visual effects of the proposed development would be perceived as being negative (adverse). I agree with that approach.'

'As noted in the LVIA, the degree of the landscape and visual effects of the proposed development would be largely dependant on proximity, though visual effects would also be influenced by topography or vegetation. There would be major impacts on the landscape character of parts of Ffrenni Fawr itself. Very large visual effects have been identified close to the turbines and within 1.5Km of the site. There would be moderate effects on landscape character in some areas within about 3km of the site, particularly those to the north and at the eastern end of the Preseli range. Moderate visual effects have been identified for properties in Boncath, and some other properties, public rights of way and roads within about 2.5 Km of the site. Further away, landscape and visual effects would fall to slight or neutral. '

'...Ffrenni Fawr is regarded as a high value landscape. It is an outlier to the main range of the Preseli Hills and I saw that there is a strong visual connection. Ffrenni Fawr is therefore part of an important landscape, and it is close to the boundaries of the Pembrokeshire Coast National Park. A long distance walking route links Ffrenni Fawr to the main range of the Preseli Hills. Users of this route would experience a very large visual impact where it passes close to the proposed turbines. The proposed turbines would also have a very large or large visual impact when seen from other public viewpoints close to the site, and moderate visual impacts within a wider area up to about 3Km away. This area encompasses many residential properties and public viewpoints. I consider for these reasons that there would be local adverse visual impacts that would be significant in terms of JUDP Policy 63. As the landscape is important, and especially as the site is close to the boundaries of the National Park, this would bring the proposal into conflict with that policy. Other development plan policies, including JUDP Policy 66, also seek to protect the Pembrokeshire landscape. There would therefore be conflict with the development plan as a whole. '