

## REPORT OF HEAD OF DEVELOPMENT MANAGEMENT ON APPEALS

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

<b>NP/08/441</b>	5 dwellings Land adjacent to Blockett Farm, Little Haven
<b>Type</b>	Hearing
<b>Current Position</b>	The appeal is currently being held in abeyance.
<b>NP/10/366</b>	Conversion and extension of existing dwelling Site at Penrhyn, Newport, Pembs
<b>Type</b>	Hearing
<b>Current Position</b>	The appeal has been dismissed and a copy of the decision notice is attached.
<b>NP/10/425</b>	Retention of masonry walls & timber gates Summerhill Farmhouse & Cottages, Summerhill
<b>Type</b>	Householder
<b>Current Position</b>	The appeal has been allowed, and a copy of the decision notice is attached.
<b>NP/10/399</b>	New Dwelling Land adjacent to Gilfach, 24 New Street, St Davids
<b>Type</b>	Written Representations
<b>Current Position</b>	The Statement of Case has been forwarded to the Inspectorate
<b>NP/10/449</b>	Build wall to front and side of property Shambella, 25 Castle View, Saundersfoot
<b>Type</b>	Written Representations
<b>Current Position</b>	The Statement of Case has been forwarded to the Inspectorate
<b>NP/11/034</b>	Conversion to holiday accommodation Antil-U-Boat Station, Garnfawr, Strumble
<b>Type</b>	Written Representation
<b>Current Position</b>	The initial paperwork has been forwarded to the Inspector

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<b>NP/11/035</b>	Conversion to holiday accommodation Antil-U-Boat Station, Garnfawr, Strumble
<b>Type</b>	Written Representation
<b>Current Position</b>	The initial paperwork has been forwarded to the Inspector
<b>NP/11/039</b>	Dwelling Vacant land at 44 Bryn Road, St Davids
<b>Type</b>	Written Representation
<b>Current Position</b>	The paperwork has been forwarded to the Inspector.
<b>NP/11/114</b>	Removal of condition 02 of NP/10/275 (obscure glazing to conservatory) Brynmor, Feidr Brenin, Parrog, Newport
<b>Type</b>	Written Representation
<b>Current Position</b>	The initial paperwork has been forwarded to the inspector
<b>NP/11/246</b>	Temporary toilet and shower accommodation (Retrospective) Porthclais, Ffordd Porth Clais, St Davids
<b>Type</b>	Written Representation
<b>Current Position</b>	The initial paperwork has been forwarded to the inspector
<b>EC11/005</b>	Construction of wooden clad chalet within curtilage Monk Haven Manor, St Ishmaels
<b>Type</b>	Enforcement
<b>Current Position</b>	The initial paperwork has been forwarded to the Inspector and a Public Inquiry was arranged for 1 <sup>st</sup> November 2011. This has now been postponed pending determination of an application
<b>EC11/0071</b>	Unauthorised toilet and shower facilities on site Caravan Site, Porthclais, Ffordd Porth Clais, St Davids
<b>Type</b>	Written Representation
<b>Current Position</b>	The initial paperwork has been forwarded to the Inspector.
<b>NP/06/159</b>	Proposed Extension of quarry operations and modification of previously approved restoration scheme
<b>Type</b>	Call in / Public Inquiry
<b>Current Position</b>	Planning Permission has been granted and a copy of the Minister's letter is attached. The full decision is available at members' request

considered the amendments were of such significance that they should be the subject of further consultation with interested parties and the appeal should be determined on the basis of the plans that were submitted with the planning application.

5. In the interests of fairness my decision should be based on essentially the scheme that was refused by the NPA. The appeals process should not be a means to progress alternatives to a scheme that has been refused or a chance to amend a scheme so as to overcome a reason for refusal. Materially changed schemes should, in the first instance, be re-submitted to the local planning authority as a fresh planning application. Having visited the appeal site I am of the view that the amended plan contains substantial changes. Determining this appeal on the basis of the modified scheme would deprive interested parties the opportunity to make representations on the amendments.
6. For the above reasons I conclude that I shall determine this appeal on the basis of the plans that were considered by the NPA.

*A later planning permission*

7. It was confirmed at the hearing that the NPA granted planning permission for the "Change of use and conversion of redundant outbuilding to holiday accommodation and internal alterations and works to existing garage and installation of drainage system" at the appeal site in June 2011 [Ref NP/11/136]. This scheme did not include an extension at the rear of the outbuilding, removed the lean-to structure to the side of the outbuilding and provided an amenity area between the outbuilding and garage. It was agreed at the hearing that this planning permission established that the use of the outbuilding and garage for holiday accommodation was acceptable in principle. This is a material consideration that I return to later in my decision.

## **Main Issues**

8. The effect the proposal would have on; the character and appearance of the surrounding area having regard to its location within the Pembrokeshire Coast National Park and the Newport and Carningli Historic Landscape Area; on the living conditions of the occupiers of the neighbouring property and the occupiers of the proposed holiday let; and, on trees in the vicinity.

## **Reasons**

*Character and appearance*

9. The site is in an attractive rural landscape and is adjacent to a detached dwelling. The area is characterised by a loose scattering of dwellings, many of which have associated outbuildings. The small fields, hedgebanks, mature trees and access tracks and pathways make a significant contribution to this rural landscape.
10. Whilst I accept that it is unlikely that the dilapidated corrugated lean-to structure was built as part of the original stone outbuilding, it has evidently been in place for a considerable time. I consider it is not untypical of the way that such buildings evolve over time. The proposed side extension would reflect the size and massing of the lean-to and I do not consider it would cause unacceptable harm to the character or appearance of the outbuilding or its surroundings.
11. The rear extension would be seen from the adjacent public footpath that passes to the west of the outbuilding. Its monopitched roof would be cut into the existing roof plane above eaves level and the extension itself would be faced in an uneven render and



## Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 23/08/11  
Ymweliad â safle a wnaed ar 23/08/11

gan **G P Thomas BA(Hons) DMS  
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 09/09/11

## Appeal Decision

Hearing held on 23/08/11  
Site visit made on 23/08/11

by **G P Thomas BA(Hons) DMS MRTPI**

an Inspector appointed by the Welsh Ministers  
Date: 09/09/11

**Appeal Ref: APP/L9503/A/11/2150768**

**Site address: Site adjacent to Penrhyn, Newport, Pembrokeshire SA42 0QX**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs R Benson against the decision of the Pembrokeshire Coast National Park Authority.
- The application Ref NP/10/366, dated 11 August 2010, was refused by notice dated 7 October 2010.
- The development proposed is: *Change of use of redundant outbuilding to form holiday letting unit, including alterations to existing garage and installation of drainage system.*

## Decision

1. The appeal is dismissed.

## Preliminary Matters

### *Amended Plan*

2. The appellant's agent responded to the Pembrokeshire Coast National Park Authority's [NPA] Hearing Statement and third party representations in a letter to the Planning Inspectorate dated 13 June 2011. An amended plan 1181:05 was included and the letter indicated that the proposed patio area at the rear (south) of the outbuilding was removed and an amenity area would be located between the outbuilding and the garage. This amenity area would be contained and screened by a proposed hedgerow bank in order to avoid any detrimental impact on the privacy of the occupiers of the neighbouring property. A proposed door to the rear of the lean-to was replaced with a recessed window.
3. In addition to these changes, it was agreed at the hearing that the amended plan repositioned the proposed rear extension, housing the shower room and hall, further away from the neighbouring property. The access door to the hall would face onto the neighbouring property. The position and treatment of the rear boundary of the appeal site would also be changed thereby altering the extent of the land to be included as part of this scheme.
4. Although the amended plan was forwarded to the NPA, it would appear that it had not been drawn to the attention of officers in advance of the hearing. At the hearing the appellant's agent explained the reasons for the amendments. The NPA officer

painted. I consider these elements would be out of keeping with the simple traditionally styled stone outbuilding. Furthermore, the scheme would include the lowering of a substantial area of land to the rear. All these works would have an unacceptable urbanising impact on the building and cause significant harm to its intrinsic character and its rural setting.

12. For the above reasons I conclude that the proposal would harm the natural beauty of the National Park and the character and setting of the outbuilding contrary to Policy 1, Policy 7 and Policy 15 of the Pembrokeshire Coast National Park Local Development Plan [LDP].

#### *Living Conditions*

13. The outbuilding would have been associated with the neighbouring dwelling, Penrhyn, in the past. However, the two properties are now in separate ownership. I do not consider the use of the outbuilding and garage as a holiday let would, of itself, have an unacceptable impact on the living conditions of the occupiers of Penrhyn. As I have indicated above planning permission has already been granted to change the use to a holiday let, albeit on a smaller scale.
14. I saw that two bedroom windows in Penrhyn overlook the appeal site. However, due to the difference in ground levels, I do not consider the privacy of these rooms would be unduly harmed by the proposed use of the appeal site. Since these windows would overlook the proposed rear patio area, I accept that the privacy of those using the holiday let would be compromised to an extent. However, given the nature of such occupation I do not consider this would amount to sufficient reason to dismiss the appeal.
15. Due to difference in levels, I do not consider that people using the proposed patio area would overlook the neighbouring garden to such an extent that the privacy of the occupiers of Penrhyn would be unacceptably compromised. However, the scheme could result in an increase in noise and disturbance to the occupiers of the neighbouring property from the proposed patio area. Bearing in mind the tranquil setting of the neighbouring garden, I conclude that the use of the proposed patio area would be likely to harm the amenities of the occupiers of that property contrary to Policy 30 of the LDP.

#### *Trees*

16. An arboricultural report was submitted with the planning application indicating that a sycamore adjacent to the access gate into the field is in poor condition and should be felled. The NPA does not object to the removal of this tree and its refusal on this matter is based on lack of information and details relating to mitigation and protection measures.
17. I accept the appellant's argument that such matters could be dealt with by appropriate conditions. I note that such conditions were included in the planning permission that was recently granted.
18. Tree Protection Order Notice [TPO 126 Penrhyn, Newport, 20<sup>th</sup> July 2011] has been made relating to a Sycamore [T1] in the grounds of Penrhyn. This tree is adjacent to the common boundary between the appeal site and it was agreed at the hearing that its crown and roots extend into the appeal site. The TPO has yet to be confirmed and the appellant has submitted representations objecting to this order.

19. Whilst this is a material consideration, the Order has yet to be confirmed, and I shall give it limited weight. On the evidence that is before me I do not consider that, even if this Order was made, it would justify dismissing the appeal.
20. Whilst I have found in favour of the appellant with regard to some elements of these issues, they are not sufficient to outweigh the harm I have identified above and my overall conclusion is that the appeal be dismissed.
21. The proposal would include provision for bats and the relevant bodies do not object to the proposal in terms of its impact on wildlife or highway matters. Whilst concerns have been raised with regard to the adequacy of the access track and the effect the proposal would have on a private sewerage system, I have no reason to conclude that those concerns are sufficient to justify dismissing this appeal. Those matters would have been considered when planning permission was granted in June 2011.
22. I have had regard to these and all other matters raised but find nothing to sway me from my overall conclusion.

*Gwynedd P Thomas*

Inspector



## **APPEARANCES**

### **FOR THE APPELLANT:**

Mark Roberts	RPS Planning & Development Ltd
Wyn Harries	HDM

### **FOR THE LOCAL PLANNING AUTHORITY:**

Vicky Hirst	Head of Development Management, Pembrokeshire Coast National Park Authority
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### **INTERESTED PERSONS:**

Mr B James	Objector
Mr P Harries	Objector
Mrs S Bayes	On behalf of Emma Hill (Objector)

### **DOCUMENTS (Submitted at the hearing)**

- 1 Letter of notification of the hearing. The list of persons notified was submitted later by post
- 2 Copy of planning permission NP/11/136
- 3 Bundle of documents relating to the Tree Preservation Order Notice submitted by RPS

### **PLANS**

A1 – A2	Application plans
B	Amended plan
C	Planning permission

### **PHOTOGRAPHS**

P1 Sheet of photographs of development at Penfeidr Cottage submitted by RPS



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/07/11

gan **P J Davies BSc (Hons) MA MRTPI**  
Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 10/08/11

## Appeal Decision

Site visit made on 19/07/11

by **P J Davies BSc (Hons) MA MRTPI**  
an Inspector appointed by the Welsh Ministers  
Date: 10/08/11

**Appeal Ref: APP/L9503/A/11/2153962**

**Site address: Summerhill Farm & Cottages, Stepside, Narberth, Pembrokeshire SA67 8LY**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Dr Arfon Jones against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/10/425, dated 16 September 2010 was refused by notice dated 15 December 2010.
- The development proposed is retention of masonry walls and timber gates.

### Decision

1. The appeal is allowed and planning permission is granted for masonry walls and timber gates at Summerhill Farm and Cottages, Stepside, Narberth, Pembrokeshire SA67 8LY in accordance with the terms of the application, Ref NP/10/425, dated 16 September 2010, and the plans submitted with it, subject to the following conditions:
  - 1) Within two months of the date of this permission, details of the surfacing for the access shall be submitted to and approved in writing by the National Park Authority. The area of the entrance bellmouth shall be surfaced with either porous asphalt, porous block paving, or other bound surfacing, for a minimum distance of 5 metres behind the edge of the carriageway. The approved surfacing shall be installed within two months of the approval of these details. The approved surfacing shall be retained thereafter.
  - 2) Within two months of the date of this permission, details of the external materials to be used on the external surfaces of the walls and gates hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### Reasons

2. Despite its scale, the walls and gates have a plain and unfussy appearance that blends with this semi-rural setting on the edge of the village. Given its close relationship with the built up area, where there are a number of urban style driveways and entrances, the development does not appear as an isolated or unsympathetic feature, such as might be the case in a more remote rural location. Moreover, it benefits from a backdrop of mature vegetation that softens the visual impact. In these circumstances, the proposal would not be harmful to the character or appearance of



the area, and neither would there be any material effects on the special landscape character of the National Park. It would therefore comply with the relevant objectives of Policies 1, 8, 15, 29 and 30 of the Pembrokeshire Coast National Park Local Development Plan.

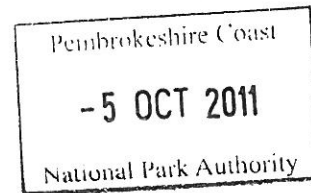
3. In the interests of highway safety, I have attached the condition suggested by the National Park Authority, and to ensure that the development harmonises with its setting, I have also attached a condition requiring the external finish of the walls and gates to be agreed with the Authority.

*P J Davies*

**INSPECTOR**



Lyn Powell  
Senior Director  
RPS Planning and Development  
Park House  
Greyfriars Road  
Cardiff  
Cf10 3AF



Eich cyf : Your ref: LP/drp/JCC3280  
Ein cyf : Our ref: A—PP029-07-qA850469 & qA907133  
Dyddiad : Date: 4 October 2011

Dear Mr Powell

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED):**  
**SECTION 77**  
**APPLICATION BY CWARE TREFIGIN QUARRIES LTD**  
**EXTENSION OF QUARRY OPERATIONS AND MODIFICATION OF PREVIOUSLY**  
**APPROVED RESTORATION SCHEME FOR EXISTING QUARRY SITE AT TREFIGIN**  
**QUARRY, MONINGTON, CARDIGAN**

1. Consideration has been given to the reports of the Inspector Anthony H Vaughan BSc CEng MICE MRTPI who held an inquiry into your client's application for the extension of quarry operations and modification of previously approved restoration scheme for the existing quarry site at Trefigin Quarry, Monington, Cardigan.
2. On 22 September 2009 the Minister for Environment, Sustainability and Housing, one of the Welsh Ministers, directed under Section 77 of the Town and Country Planning Act 1990 (the 1990 Act) that the application be referred to the Welsh Ministers rather than be determined by the local planning authority. Under the provisions of the Government of Wales Act 2006 the power to determine applications called in under Section 77 of the 1990 Act has been transferred to the Welsh Ministers and in this case this function is being exercised by the Minister for Environment and Sustainable Development.
3. The Inspector's conclusions are set out in paragraphs 94-129 of his original report dated 15 April 2010 and paragraphs 53-77 of his addendum report dated 28 July 2011, copies of which are enclosed. The Inspector recommended that planning permission be granted



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subject to conditions. Subject to the comments at paragraphs 8 -13 below, the Minister agrees with the Inspector's conclusions for the reasons given by him and accepts his recommendation.

4. On 16 August 2010 officials of the Welsh Government Planning Division wrote to you explaining that the Minister was minded to allow your client's application subject to clarification in respect of the efficacy of the Section 106 Unilateral Undertaking, submitted to the inquiry, to relinquish quarrying rights on the north eastern permitted zone and, if appropriate, the submission of a revised undertaking. This letter should be read in conjunction with that letter.

5. A revised draft undertaking was received by Planning Division on 3 September 2010. The Minister considers the matters covered by the amended unilateral undertaking dated 26 September 2011 are necessary to make the development acceptable in planning terms and satisfy the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

6. Before the revised undertaking was received, however, the Welsh Ministers received post inquiry representations that challenged the Inspector's conclusions on alternative sources of supply. The view was taken that the representations contained new information that was not available to the Inspector during the inquiry, and in light of this, the Minister was disposed to disagree with the Inspector's recommendation.

7. In accordance with Rule 17(5) of the Town and Country Planning (Inquiries Procedure) (Wales) Rules 2003, all persons entitled to, and who did, take part in the inquiry were notified of the Minister's disagreement with the Inspector's recommendation and the reasons for it, and afforded the opportunity to make representations or ask for the inquiry to be reopened. None of the parties who took part in the inquiry asked for it to be reopened and all the representations received from the parties were sent to the Inspector for his consideration and the preparation of an addendum report. The Minister has considered the Inspector's original report and addendum report in determining this application.

8. The Minister recognises that the Inspector's original report and addendum report refer to Planning Policy Wales (March 2002). Planning Policy Wales 2002 was consolidated and replaced by Planning Policy Wales Edition 2 (June 2010) and has since been amended twice and the current edition is Planning Policy Wales Edition 4 (February 2011). The Minister, however, does not consider that the changes that have been made to Planning Policy Wales since the calling in of the application are such as to materially affect his decision.

9. The Inspector, in his addendum report, refers to the Campaign for National Parks accepting there to be no single source of supply which can readily replace all the outputs from Trefigin. He also refers to a 'substitute source of sand and gravel' in his original report and concludes that no source was identified that could supply similar materials in bulk. The Minister notes, however, that national policy within Minerals Planning Policy Wales and Minerals Technical Advice Note 1 requires consideration of whether alternative supplies, that would be environmentally acceptable can be made available at reasonable cost. This alternative supply could be made up from several different sources and there is no requirement that there be a single alternative source of supply available.

10. The Inspector states, at paragraph 73 of his addendum report, that it is clear from the late representations that the unilateral undertaking to relinquish the poor quality reserve is now in place. It should be noted, however, that the unilateral undertaking was not in place at the time of the Inspector's addendum report, it not being signed until 26 September 2011.

11. The Minister notes the comments of the Inspector in paragraphs 75 and 76 of his addendum report regarding the concealment of information during the inquiry process and allegations made about the conduct of the public proceedings and those involved in it. These are not issues relevant to the Minister's consideration of the application and he offers no comment on them.

12. The Inspector considers, in paragraph 74 of his addendum report, that when all the matters concerning the issue of alternative sources of supply are taken into consideration, together with the benefits to landscape that would flow from the project, that the exceptional circumstances required to grant planning permission for this type of scheme have been demonstrated. In his view, the project would not cause demonstrable harm to interests of acknowledged importance. For these reasons, he could find no reason to change his positive recommendation made in his original report. Subject to the comments in the paragraphs above the Minister agrees with the Inspector's conclusions and accepts his recommendation.

13. The Inspector recommended that planning permission be granted subject to the conditions detailed in Appendix 1 of his report. Without altering the thrust of the conditions the Minister has amended a number of the conditions so that they satisfy all the tests identified in Welsh Office Circular 35/95 – *The use of conditions in planning permissions*. Listed below are the main amendments that have been made by the Minister (the condition numbers referred to in the points below are those within Appendix 1 of the Inspector's Report).

- The Minister has inserted a condition, as advised by the Inspector, imposing a time constraint of 5 years within which work must be started.
- The Minister has added to condition 5 to clarify the restricted provisions of part 21 of the Town and Country Planning (General Permitted Development) Order 1995, as well as those of part 19.
- The Minister considered the definition of a 'noise sensitive property' referred to in conditions 13 and 14 to be vague and has amended the condition to require a map of the 'noise sensitive properties' to be produced within 1 month of the date of this permission and submitted for the approval of the local planning authority.
- The Minister considered Conditions 16 (noise), 32 (site maintenance), 37 (soil stripping, handling and storage) and 45 (restoration), to be vague and not enforceable as drafted. He has replaced these conditions with standard versions that are more precise and enforceable.
- The Minister considered conditions 16 (noise), 38 and 40 (soil stripping, handling and storage) would be more precise and enforceable if dealt with by means of submitting details or a scheme to the local planning authority for approval and has, therefore, inserted this requirement.
- The Inspector considered condition 21 to be open ended in terms of an obligation as it is non-specific, and the Minister agrees. He has amended this condition so that any further drainage works are triggered by the monitoring system required by condition 18.

- The Minister has deleted reference to 'the plan received by the Local Planning on 18 March 1998' in condition 25 as he considers that the provision of floodlighting should be reviewed under current circumstances.
- The Minister has inserted a condition requiring a scheme for soil stripping that subsumes parts of conditions 38 and 40 and as a result makes the subsumed requirements more enforceable.
- The Minister has deleted condition 50 as he considers it to be unnecessary.
- The Minister has amended the twenty year time period in condition 54 to seventeen years as, in light of condition 2, the restoration is required to be completed by 16 March 2029.

14. Subject to the comments at paragraph 13 above and other minor amendments the Minister considers that the conditions recommended by the Inspector, listed in the appendix to his report, should be imposed for the reasons given by him.

#### **FORMAL DECISION**

15. Subject to the comments at paragraphs 8 to 13 above, the Minister agrees with the Inspector's conclusions for the reasons given by him and accepts his recommendation. Accordingly, the Minister hereby grants planning permission for the proposed extension of quarry operations and modification of the previously approved restoration scheme subject to the conditions in the Annex to this letter.

16. This letter, a copy which has been sent to Pembrokeshire Coast National Park Authority and Pembrokeshire County Council and to those interested persons who appeared at the inquiry, does not convey any approval or consent which may be required under any enactment, bye law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Yours faithfully,

*T. M. Davies*

**Teresa Davies**  
Head of Decisions Branch  
Planning Division

Signed under authority of the Minister for Environment and Sustainable Development,  
one of the Welsh Ministers.

Enc: Leaflet "HC" and "H"