

DEVELOPMENT MANAGEMENT COMMITTEE
23rd February, 2011

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

SUBJECT:

To consider matters relating to enforcement and other planning issues:

APPEALS

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

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| NP/08/441 | 5 dwellings Land adjacent to Blockett Farm, Little Haven |
| Type | Hearing |
| Current Position | An application has been received by the Authority and therefore the appeal will be held in abeyance for 3 months. |
| NP/09/469 | Dwelling and garage Pontiago House, Pontiago, Goodwick |
| Type | Hearing |
| Current Position | The appeal has been dismissed and a copy of the Inspectors decision is attached for your information. |
| NP/10/017 | Low impact horticultural smallholding & retention of 2 polytunnels The Nursery, Mount Pleasant Cross, Cosheston |
| Type | Hearing |
| Current Position | A hearing was held on 27 th January, 2011 and the Inspectors decision is awaited. |
| NP/10/033 | Retention of Dwelling Bettws Newydd, Parrog, Newport |
| Type | Inquiry |
| Current Position | A full report will be presented to the March meeting of the Development Management Committee. |

NP/10/115 Conversion of attic and extension
Zamboanga, St Brides Lane, Saundersfoot
Type Written Representations
Current Position The appeal has been dismissed and a copy of the
Inspectors decision is attached for your information.

ENF/08/10 Unauthorised dwelling
Bettws Newydd, Parrog, Newport
Type Inquiry
Current Position A full report will be presented to the March meeting of
the Development Management Committee.

ENF/09/10 Unauthorised siting & occupation of caravan
The Nursery, Mount Pleasant, Cosheston
Type Hearing
Current Position A hearing was held on 27th January, 2011 and the
Inspectors decision is awaited.

ENFORCEMENT AND OTHER MATTERS

EC09/007 - The Chip Shop, 4 Spencer Buildings, Dinas Cross

In 2009 it was brought to the attention of this Authority that an internally illuminated projecting box sign was being displayed on the front elevation of the above property without the benefit of advertisement consent. The fascia sign is also externally illuminated and requires advertisement consent.

The tenant was advised by your Enforcement Officer that discussions should be held with officers of this Authority regarding an acceptable scheme of signage. Advertisement consent had been refused in November 1993 for an internally illuminated sign, and an appeal was dismissed in March 1994 (NP/12/93/s).

The owner was advised in February 2010 that authorisation would be sought for a prosecution unless the unauthorised signs were removed. He was also supplied with details of signs which had been approved in 1994 in order to assist him in preparing an application for acceptable signage.

When no application had been received the owner was advised in October 2010 that the matter would be reported to the Development Management Committee for action. The Authority was then informed that the lease had been reassigned. The new lessee was written to giving him until the end of January to submit an application or the matter would be reported to the Development Management

Committee in February with a view to serving a notice to secure the removal of the signs.

The new lessee has been offered the opportunity to make written representations to the Committee.

It is considered that it is necessary for the proper planning of the area to require the removal of the signs which are not appropriate to the building or the area in which they are displayed.

Recommendation

That authority be given to proceed with the service of a Notice under Section 224 of the Town & Country Planning Act 1990 to require the removal of the unauthorised advertisement signs.

EC11/005 , Unauthorised erection of chalet, Monk Haven Manor, St Ishmaels

Following the service of an Enforcement Notice in July 1992 an Inspector found, at the subsequent appeal, that a static caravan sited adjacent to the site the subject of this report, was not development, as it was located within the curtilage of Monk Haven Manor and used for purposes ancillary to that property. The appeal was therefore dismissed and the caravan remained in position.

In January this year your Enforcement Officer noted that a flat roofed wooden clad chalet structure was under construction on this site. No planning permission had been granted for the erection of such a structure. A Planning Contravention Notice (PCN) was served on 18 January 2011 and returned on 2 February 2011. The owner states in response to the PCN that a twin unit mobile home has been sited to replace an existing mobile home and it was not considered that planning permission was required.

From the available information it is not considered that the structure now being erected falls within the definition of a caravan as it does not appear to have a chassis and has no wheels. Planning permission is therefore required as it represents a permanent structure. The location in open countryside, within an attractive wooded valley is not an acceptable location for new development. The appearance of the structure is also at variance and detrimental to the rural character of the area. A meeting has been arranged with the owner of the property and a verbal report will be given at the meeting on the information obtained.

Recommendation

In light of information currently available it is recommended that authority be given to proceed with the service of an Enforcement Notice to secure the removal of the chalet.

EC11/002 – Field OS 839, Cilgwyn Road, Newport

In January 2011 following a complaint that a caravan had been stationed on the above mentioned land, the site was inspected by your enforcement officer and it was established that a caravan had been brought onto the site. It was also noted that solar panels were sited adjacent to the caravan. It is the opinion of your officers that the caravan is being used for residential purposes.

As there was no person on site at the time of the site inspection a request has been made to the Land Registry to establish ownership of the land. At the time of writing this report these details have yet to be received.

There is no planning consent for the use of the site for residential purposes. Furthermore, this is not an area where the Authority would wish to permit such a use as the site is within the open countryside where national and local policies advise that such development is inappropriate.

Finally, however, since the introduction of the Human Rights Act the Development Management Officer does not consider it sufficient, in her view, to rely solely on the planning position, but to judge the action against the Act, especially Article 8, which provides everyone with the right to respect for private and family life and home.

It is prudent to apply the five tests to this situation before deciding whether Enforcement Action should be taken, namely:

A Does a right protected by Article 8 apply?

In this case, the answer has to be yes.

B Has interference with that right taken place?

Not as yet although the service of the notice would significantly interfere with that right.

C Would the Authority's interference with the Human Right in question be in accordance with the law?

Yes, enforcement powers were conferred on Local Planning Authorities by Part VII of the Town and Country Planning Act 1990.

D Would the interference pursue a legitimate aim?

Yes, in the opinion of the Development Management Officer, in that National and Local planning policies seek to protect the countryside from unwarranted development to preserve the quality of the environment, particularly the open countryside which the retention of this caravan for residential purposes would not achieve. There would be an effect on planning policies that sought to protect the countryside and the retention of the caravan for residential purposes would act as a precedent for unwarranted development in the countryside.

E Would the interference be necessary in a democratic society?

Again yes. There is a balance to be struck and whilst the rights of the individual have to be taken into account the Authority's wider responsibility to protect the countryside from unwarranted development for the rest of the population must take precedence.

Recommendation

That the appropriate enforcement action be authorised to secure the removal of the unauthorised residential caravan.



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 7/12/10

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18/01/11

Appeal Decision

Site visit made on 7/12/10

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

an Inspector appointed by the Welsh Ministers

Date: 18/01/11

Appeal Ref: APP/L9503/A/10/2137128

Site address: Zamboanga, St Brides Lane, Saundersfoot, Pembrokeshire SA69 9HL

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 Mr D & Mrs J Landridge against the decision of the Pembrokeshire Coast National Park Authority.
 - The application Ref NP/10/115, dated 11 February 2010, was refused by notice dated 17 May 2010.
 - The development proposed is: *Conversion of attic space & rear extension.*
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Decision

1. I dismiss the appeal.

Main Issues

2. The effect the proposal would have on; the living conditions of the occupiers of Paulfryn with particular reference to privacy; and, the appearance of the area.

Preliminary Matters

3. Due to the absence of a representative of the appellants at the appeal site at the pre-arranged date and time, I carried out an unaccompanied visit of the appeal site itself. I also viewed the appeal site from the garden and upstairs bedroom of the neighbouring property, Paulfryn, as requested.
4. When the planning application was determined by the National Park Authority the Joint Unitary Development Plan for Pembrokeshire was in place. The Pembrokeshire Coast National Park Local Development Plan [LDP] was adopted on 29 September 2010 and I am required to determine this appeal on the basis of the policies that are now in force. The LDP policies that are relevant to this appeal maintain the thrust of those policies that were considered at the time the planning application was determined.

Reasons

Living Conditions

5. The appeal site is in an elevated position relative to the garden areas of the neighbouring property, Paulfryn. The existing bungalow has limited views over the

neighbouring garden areas. Due to the proposed roof profile I do not consider the enlarged dwelling would have an unacceptably overbearing impact on the neighbouring property. However, the amount of glazing on the side elevation facing onto the garden area of Paulfryn would result in a significant and unacceptable loss of privacy to the users of that neighbouring garden area. I accept that in urban situations a degree of mutual overlooking between properties is inevitable. However, in this case, bearing in mind the elevated position of the appeal property and the extent of the proposed glazing that faces onto Paulfryn, I consider the privacy of people using the rear garden area of that property would be unacceptably compromised. I conclude that this unacceptable impact on amenity would be contrary to Policy 30 of the LDP.

Appearance

6. The appeal property is set in an established residential area characterised by individual properties in a wide variety of styles. Since the appeal building is set down within the site its physical and visual impact on its surroundings are minimised. Given this setting I do not consider the increased roof height would result in an unduly prominent structure. I do not consider the length of the unbroken roof line would be so great that it would appear as an unduly large structure set amongst the existing dwellings. Given its setting, the scale and mass of the extended dwelling would not cause unacceptable harm to the appearance of the surrounding area. With regard to this issue I conclude that the proposal would not be contrary to the relevant elements of the LDP policies I have been referred to.
7. Whilst I have found in favour of the proposal with regard to this issue it does not outweigh the harm I have identified with regard to the impact on the living conditions of the occupiers of the neighbouring property.
8. I have had regard to all other matters raised but find nothing to sway me from my overall conclusion and I dismiss the appeal.

Gwynedd P Thomas

Inspector



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 08/09/10
Ymweliad â safle a wnaed ar 08/09/10

gan **Gareth A. Rennie MRTPI FRGS**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 26/01/11

Appeal Decision

Hearing held on 08/09/10
Site visit made on 08/09/10

by **Gareth A. Rennie MRTPI FRGS**

an Inspector appointed by the Welsh Ministers

Date: 26/01/11

Appeal Ref: APP/L9503/A/2130530

Site address: Pontiago House, Pontiago, Goodwick, Pembrokeshire, SA64 0JD

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 Mr Raymond Llewellyn against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/09/469, dated 22 May 2009, was refused by notice dated 16 December 2009.
- The development proposed is the construction of 1 dwelling and private garage.

Decision

1. I dismiss the appeal.

Procedural Matter

2. It was noted during the hearing that the correct title of the 'Pontiago House' referred to as the address of the site is in fact 'Yr Efail'.

Main Issues

3. The main issues in this case are the effect of the proposal on the character and appearance of the surrounding area and upon the special qualities of the National Park, and the effect of the proposal on the living conditions of neighbouring residents.

Reasons

4. Goodwick is a small village located within surrounding countryside and has an open character. The village blends in well with its surroundings and the overall impression is one of a pattern of dispersed buildings within a very rural context. In particular the areas of woodland that partly surround and mingle with the buildings give the village a sense of being amalgamated into the surrounding countryside.
5. Policy 47 of the Joint Unitary Development Plan for Pembrokeshire permits development within settlements, such as Goodwick, that are without a defined boundary. Policy 47 permits infill development in such situations, and defines infill within the National Park as a development of one or two units of a size compatible with its setting, in a small gap in an otherwise continuous, built up frontage.

6. A frontage can consist of either the façades of buildings or the front of developed plots. In this case whilst it could be argued that there is a continuous developed frontage there is no continuous built-up frontage. This would imply a continuous stretch of built development such as terraced or narrowly separated buildings fronting a road. There is a loose collection of dwellings that have, more or less, a continuous frontage but there is significant separation between them and the overall impression is of an open, disaggregated pattern of development. Moreover the proposal does not seek to provide infill within the frontage but would be considerably set back from the road. For these reasons I consider that the proposal would not represent infill development and would, therefore, conflict with policy 47 of the JUDP
7. The character of the area is dependent to a large part on the balance between the built environment and open space. The loss of open space as a result of the proposal would undermine that balance. The appeal site is an important area of open space that provides a link with the open countryside that surrounds the village. The proposal would extend the built area of the village close to the open countryside and this would erode the overall setting of the village. The proposal would also lead to the removal of a significant number of trees and hedgerow which would compound the loss of open space and significantly undermine the rural nature of the site and its surroundings.
8. The scale of the proposal and its elevated position would further emphasise the loss of open space. I consider that, for these reasons, the proposal would harm the character and appearance of the surrounding area. I also consider that, because of the elevated nature of the site, existing screening or any proposed landscaping would not be able to mitigate the harm I have identified.
9. Overall, for the above reasons the proposal is contrary to policies 5 and 67 of the JUDP which seek to conserve and enhance the natural beauty, and the special qualities and character of the National Park.
10. Furthermore the rear elevation of the proposal would be sited very close to the side elevation of the adjacent Pontiago Farm. This proximity and the cat slide roof of the proposal would lead to an overall oppressive view from windows in this elevation and from the garden area. There is a screening wall at this point but I consider that because of the proximity this would have little real mitigating effect. Overall this would harm the living conditions of the residents of Pontiago Farm, and although I do not consider that this is conclusive it does add weight to my previous conclusions.
11. Consequently for the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Gareth A. Rennie

Inspector