

DEVELOPMENT MANAGEMENT COMMITTEE  
26<sup>th</sup> January, 2011

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT**

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**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:

<b>NP/08/441</b>	5 dwellings Land adjacent to Blockett Farm, Little Haven
<b>Type</b>	Hearing
<b>Current Position</b>	An application has been received by the Authority and therefore the appeal will be held in abeyance for 3 months.
<b>NP/09/469</b>	Dwelling and garage Pontiago House, Pontiago, Goodwick
<b>Type</b>	Hearing
<b>Current Position</b>	A hearing was held on 8 September 2010 and the Inspectors decision is awaited.
<b>NP/10/017</b>	Low impact horticultural smallholding & retention of 2 polytunnels The Nursery, Mount Pleasant Cross, Cosheston
<b>Type</b>	Hearing
<b>Current Position</b>	A hearing was held on 12 October 2010 but due to a technicality a new hearing is to be held on 27 <sup>th</sup> January, 2011.
<b>NP/10/033</b>	Retention of Dwelling Bettws Newydd, Parrog, Newport
<b>Type</b>	Inquiry
<b>Current Position</b>	A full report will be presented to the next 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 Authority's statement has been forwarded to the Inspectorate.

**ENF/03/10** Non compliance with planning conditions 4 & 5 of  
Planning Permission NP/06/445  
Morwynt, Abercastle  
**Type** Written Representations  
**Current Position** The Enforcement Notice was formally withdrawn by letter and no further action will be taken in relation to this appeal.

**ENF/07/10** Unauthorised portacabin in barn  
Hendre Fawr Farm, St Dogmaels  
**Type** Written Representations  
**Current Position** The appeal has been allowed 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 next meeting of the Development Management Committee.

**ENF/09/10** Unauthorised siting & occupation of caravan  
The Nursery, Mount Pleasant, Coshaston  
**Type** Hearing  
**Current Position** A hearing was held on 12 October 2010 but due to a technicality a new hearing is to be held on 27<sup>th</sup> January, 2010.

## **ENFORCEMENT AND OTHER MATTERS**

### **EC07/198 (ENF/13/10)- Wooden Structure at The Royal Hotel, Broad Haven**

Members will recall that at the June 2010 meeting of this Committee authority was given to serve an Enforcement Notice on the owner of the above Hotel to remove

both the large smoking shelter and small garden shed from the land at The Royal Hotel, Broad Haven.

The Notice was served on the 27<sup>th</sup> October, 2010 and should have been complied with by 29<sup>th</sup> December, 2010.

To date both the smoking shelter and small garden shed remain on the land. The Authority has written to the owner asking if there are any representations that they wish to put before members. Any response received will be reported to Committee.

### **Recommendation**

It is recommended that Authority be given to prosecute the owner of The Royal Hotel, Broad Haven in the Magistrates Court for failure to comply with the Terms of the Enforcement Notice.

### **NP/10/342- Temporary siting of mobile trailer for sale of ice cream At The Castle Hotel, Little Haven**

Members will recall at the December, 2010 meeting of this committee, Authority was given to serve Enforcement Notices to remove the above ice cream trailer from The Castle Hotel if it remained on the land after the first week of 2011.

The ice cream trailer has now been removed from the land and no further action will now be taken.

### **EC10/042 – Gerddi Windsor, Bridge Street, Newport**

Planning permission (NP/06/004) was approved in 2006 to amend a previous consent (NP/03/414), subject to conditions. The amended application approved related to street enhancement works and landscaping works at the above site. One of the conditions attached to the amended consent stated:

*“Within six months of the date of this permission both sides of the retaining wall on the western boundary of the site shall be finished in a traditional rough cast render to the satisfaction of the National Park Authority and shall thereafter be retained in accordance with the approved details”*

As of to date, the above condition has yet to be complied with despite this Authority writing to the owner/applicant on numerous occasions regarding this breach of planning control and advising them to carry out the necessary works as required by the condition.

It is now claimed by the owner/applicant that the above condition attached to the consent is flawed as they do not understand how both sides of the retaining wall can be finished in a traditional rough cast render. Officers of your Authority do not

consider that the condition is flawed and have advised the applicant that only the 'exposed' surface area to either side of the retaining wall need be finished in a traditional rough cast render. Furthermore, should they have considered that the condition was flawed, that it was open to them to have appealed the imposition of this condition when the permission was issued. It is considered that the lack of any render on this concrete shuttered wall in the Conservation Area is inappropriate and contrary to adopted development plan policies.

A Planning Contravention Notice has been served on the owner/applicant regarding the non-compliance of the planning condition. The Authority has also written to the owner and occupant of the above property asking if there are any representations that they wish to put before members. Any response received will be reported to committee.

### **Recommendation**

That authority is given to serve a Breach of Condition Notice with a view to resolving this breach of planning control.

### **EC10/145 – Rainbow's End, New Road, Hook**

In November 2010 a complaint was received by this Authority regarding the siting of a Metal Container Unit (of the sort used for the commercial transfer of goods) which had been sited within the front garden area of the above property.

Following an investigation by your enforcement officer it was evident that a Metal Container Unit measuring approximately 6.000m x 2.400m x 2.550m had been sited within the front garden of the above property. It was also concluded that the siting of the Container Unit requires the benefit of planning permission and that no such consent has been approved and as a result is unauthorised.

The owner and the tenant of the above property have been contacted accordingly and have been advised that the siting of the Container Unit is unauthorised. Whilst both the owner and tenant have advised this Authority verbally that the Container Unit will be removed, the Container Unit remains on the land at the time of writing this report.

The siting of the Container Unit is visible from the public road and is detrimental to the amenity of the surrounding area in terms of its siting and appearance and contrary to adopted development plan policies.

The Authority has written to the owner and occupant of the above property asking if there are any representations that they wish to put before members. Any response received will be reported to committee.

### **Recommendation**

That authorisation is given to serve an enforcement notice to secure the removal of the unauthorised Container Unit from the land if it still remains on site after 28 days from the date of this committee meeting.

#### **EC10/004- New Wall at 17 Puffin Way, Broad Haven**

On a routine visit to monitor the construction of an approved conservatory at the above location on the 15<sup>th</sup> January, 2011 it was seen that a concrete block wall 2½ metres high had been constructed across the rear garden. The owner of the property was away at that time therefore correspondence was forwarded informing him that such a wall required the planning permission of this Authority.

Further site visits and telephone conversations took place, however, as the necessary planning application was not submitted, a planning contravention notice was served on the owner in October 2010 which was completed and returned to this office on the 12<sup>th</sup> November, 2010.

Further correspondence was forwarded to the owner informing him that the matter would be reported to the Development Management Committee if the necessary planning application was not submitted by the 30<sup>th</sup> November, 2010.

To date no such application has been received. It is considered that this wall, by virtue of its height, appearance and location and impact on the amenities of adjacent occupiers is unacceptable and contrary to adopted development plan policies. As such it is considered expedient to take the appropriate action to secure its removal.

#### **Recommendation:**

It is recommended that Authority given to serve an Enforcement Notice on the owner of the property to remove the wall from the land.



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 09/11/10

gan **Anthony H Vaughan BSc CEng  
MICE MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: **06/12/10**

## Appeal Decision

Site visit made on 09/11/10

by **Anthony H Vaughan BSc CEng MICE  
MRTPI**

an Inspector appointed by the Welsh Ministers

Date: **06/12/10**

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**Appeal Ref: APP/L9503/C/10/2130273**

**Site address: Hendre Fawr Farm, St Dogmaels, Pembrokeshire SA43 3LZ**

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Ms J Aston against an enforcement notice issued by Pembrokeshire Coast National Park Authority (PCNPA)
  - The PCNPA reference is ENF/07/10
  - The notice was issued on 11 May 2010.
  - The breach of planning control as alleged in the notice is without planning permission the siting of a portacabin inside an outbuilding marked with a cross on the attached plan for use as an office in relation to the Veteran Horse Society.
  - The requirements of the notice are to remove the portacabin from the site.
  - The period for compliance with the notice is 1 month.
  - The appeal is proceeding on the grounds set out in sections 174(2)[c] of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act does not fall to be considered.
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### Decision:

1. **I allow this appeal** and direct that the enforcement notice be quashed.

### Appeal under ground (c)

2. For the appeal on ground [c] to succeed it is necessary to show that the alleged breach of planning control is not development as defined by s55 of the Act.
3. The portacabin is within a barn. The siting of a portacabin is normally considered to be operational development. This definition is accepted by the PCNPA in its submission and also in its drafting of the enforcement notice which sets down a period of immunity of 4 years. Four years is the defined period of immunity from enforcement action for operational development set out in s172(4) of the Act.
4. The use of the barn as an office is not contested by the PCNPA. (*Confirmed in its letter to the Inspectorate dated 18 November 2010*). The PCNPA says that the use of the barn as an office has been granted planning permission.
5. Section 55(2) of the Act defines which operations or uses shall not be taken for the purposes of the Act to involve development of land. Works which affect only the

interior of a building, or do not materially affect the external appearance of the building are not development.

6. The portacabin is well within the barn and changes only its interior. The portacabin does not materially affect the external appearance of the building. Therefore, in line with s55 of the Act it is not an operation requiring the grant of planning permission and its presence is immune from enforcement action. Furthermore, its use as an office is not in breach of the planning control.
7. For the reasons given above, I consider that the appeal should succeed on ground (c) and the enforcement notice will be quashed.
8. I have taken account of all other matters raised but find nothing which alters the direction of my decision.

*Anthony H Vaughan*

INSPECTOR