

## REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT ON APPEALS

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

**NP/12/0536** New two storey, two bedroom dwelling – Garden of 64, Port Lion, Llangwm, Haverfordwest  
**Type** Written Representations  
**Current Position** The appeal has been allowed and a copy of the Inspectors decision is attached.

**NP/12/0560** Extension of time for retention of caravan – Barry Island Farm, Llanrhian, Haverfordwest  
**Type** Hearing  
**Current Position** The appeal has been allowed and a copy of the Inspectors decision is attached.

**NP/13/0016** Detached garage with a loft space, The Old Coastguard Station, Broad Haven, Haverfordwest  
**Type** Written Representations  
**Current Position** The initial paperwork has been forwarded to the Inspector.

**NP/13/0059** Variation of Conditions 2 & 14 of NP/11/068 & NP/11/069 to allow for use for A1 (retail), A2 (financial) and A3 (food & drink) – Royal Playhouse Cinema, White Lion Street, Tenby  
**Type** Written Representations  
**Current Position** The initial paperwork has been forwarded to the Inspector.

**NP/13/0219** Erection of detached two bedroom dwellinghouse, Infill plot adjacent to, Greenhill, Portclew Road, Freshwater East  
**Type** Hearing  
**Current Position:** The initial paperwork has been forwarded to the Inspector and a hearing has been arranged for 20<sup>th</sup> November, 2013.

**NP/13/0233** Agricultural building, Land at The Belts, The Rhos.  
**Type:** Written Representations.  
**Current Position:** The initial paperwork has been forwarded to the Inspector.



---

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 9/07/13

gan **G P Thomas BA(Hons) DMS MRTPI**  
Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: **12/08/13**

## Appeal Decision

Site visit made on 9/07/13

by **G P Thomas BA(Hons) DMS MRTPI**  
an Inspector appointed by the Welsh Ministers  
Date: **12/08/13**

---

**Appeal Ref: APP/L9503/A/13/2196653**

**Site address: Garden of 64 Port Lion, Llangwm, Haverfordwest SA62 4JT**

**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 outline planning permission.
  - The appeal is made by Middle Hill Development Ltd against the decision of the Pembrokeshire Coast National Park Authority.
  - The application Ref NP/12/0536, dated 14 November 2012, was refused by notice dated 18 January 2013.
  - The development proposed is: *New 2 storey 2 bedroom dwelling.*
- 

### Decision

1. The appeal is allowed and planning permission is granted for a new 2 storey 2 bedroom dwelling at the above site address in accordance with the terms of the application, Ref NP/12/0536, dated 14 November 2012, and the plans submitted with it, (Drg No:-Proposed Plan and Elevation V4 amended from application on 25 Oct 2012. dated Nov 20 2012) subject to the conditions set out in the schedule below.

### Preliminary Matters

2. The application is for outline planning permission with all matters reserved for subsequent approval. An indicative drawing has been submitted and the Design & Access Statement included details of the likely dimensions of the proposed dwelling.
3. The name of the applicant is variously given as Middlehill and Middle Hill. I am satisfied these refer to the same applicant and I have used the later version for consistency.
4. The appellant has submitted a Unilateral Undertaking<sup>1</sup> [UU] relating to a financial contribution to be applied towards the provision of affordable housing in accordance with the Pembrokeshire Coast National Park Local Development Plan [LDP] and the Supplementary Planning Guidance "Affordable Housing". The National Park Authority [NPA] has raised no objection to the provisions of the UU but initially questioned its enforceability. In the light of the most recent submissions I am satisfied that those concerns have been addressed and the UU is enforceable.

---

<sup>1</sup> Section 106 Town and Country Planning Act 1990 (as amended)

## Main Issue

5. The effect the proposal would have on the character and appearance of the area, having regard to its setting within the Pembrokeshire Coast National Park [NP] and local policies for the location of new residential development.

## Reasons

6. The appeal relates to the side garden associated with a semi detached 2 storey dwelling. Port Lion is a small generally linear settlement with dwellings of various styles, scale and age facing onto a narrow lane. The variety of house styles and plot sizes, together with the existing trees and hedgerows contribute to the character of the area.
7. The appeal site is some 15m wide and forms a small gap in an otherwise continuous, built-up frontage. As such I consider the proposal would amount to an infill development. The plot depth is sufficient to enable the proposed dwelling to be set well back from the public highway as shown on the indicative drawing. Bearing in mind the dwelling's proposed scale and its location within the site I do not consider the proposal would be incompatible with its surroundings. I do not consider unacceptable harm would be caused to the character or appearance of the surrounding area or to the special qualities of the NP.
8. I note the concerns expressed by the occupiers of the neighbouring property with regard to privacy. However, I am satisfied that these could be taken into account at the submission of subsequent reserved matters.
9. The plot is large enough to enable the dwelling to be positioned so as to minimise its affect on the mature trees along the common boundary.
10. For these reasons I conclude that, subject to appropriate conditions, the proposal would not cause unacceptable harm to the character and appearance of the area and would accord with Policies 1, 7, 8, 15 and 30 of the LDP.
11. Each proposal is considered on its own merits and I do not consider the proposal sets a precedent that would prejudice consideration of proposals elsewhere in the NP.

## Conditions

12. I have had regard to the conditions suggested by the NPA; the appellant's response; and, to Circular 35/95<sup>2</sup>. With the exception I refer to below, I agree that the suggested conditions are reasonable and necessary to conserve the amenities and character of the area; ensure satisfactory landscaping to safeguard the visual appearance; safeguard highway safety; and, safeguard the water environment and the integrity of the public sewerage system. I have amended the suggested wording, where appropriate, for reasons of clarity and precision.
13. In addition to the above, it is also necessary to impose conditions to ensure the development is built to acceptable sustainability standards in accordance with national policy.
14. Since suggested condition No 10 repeats requirements made elsewhere, it is not necessary.

---

<sup>2</sup> Circular 35/95 'The Use of Conditions in Planning Permissions'

### Schedule of conditions

- 1) Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
  - a. the expiration of five years from the date of this permission OR
  - b. the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last matter to be approved.
- 2) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 3) Any subsequent detailed submissions shall indicate a traditional design in architectural terms and shall be constructed of traditional materials.
- 4) Any subsequent detailed submissions shall include a detailed site survey plan. Such a plan shall indicate the existing and proposed levels in relation to the existing highway, the position, spread and species of any trees/other planting and the position and orientation of adjoining dwellings.
- 5) Prior to the commencement of work a scheme for the soft and hard landscaping of the site shall be submitted to and approved in writing by the local planning authority. Such a scheme shall take full account of the tree and shrub species on the site and in the area in general.
- 6) All planting, seeding and turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding season following the occupation of the dwelling hereby approved or the completion of the development, whichever is the sooner. Any tree or plant which within a period of five years from the date of the planting, or any tree or shrub planted in replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced with another of the same species and size as that originally planted, unless the local planning authority gives its written approval to any variation.
- 7) Notwithstanding the provisions of Article 3 the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), any electricity or telephone supplies to the development hereby approved shall be by underground cables.
- 8) Before the development hereby approved commences, details of the vehicle access, parking and turning area shall be submitted to and approved in writing by the local planning authority. The provision shall be set out and constructed in accordance with approved plans before any other work on the construction of the dwelling commences.
- 9) Any access gates shall be set back at least 10 metres behind the highway boundary and shall open inwards only.
- 10) Before construction work on the dwelling hereby approved is commenced, details shall be submitted to and approved in writing by the local planning authority indicating an area within the site for the storage of building materials and for the parking and turning, loading and unloading of vehicles attracted to the site.

- 11) All surface water shall be trapped and disposed of so as not to flow onto any part of the public highway.
- 12) Before the development commences details of the bound surface material to be used in the first 10 metres behind the edge of the carriageway shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and shall be in place before the dwelling is occupied.
- 13) The development hereby permitted shall not be commenced until a scheme to dispose of foul water has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before the dwelling is occupied.
- 14) Foul and surface water discharges must be drained separately from the site.
- 15) No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the local planning authority.
- 16) Land drainage run-off shall not be permitted to discharge (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the local planning authority.
- 17) The new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.
- 18) Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the local planning authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.
- 19) Prior to the occupation of the individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the local planning authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

*Gwynedd P Thomas*

Inspector



17 JUL 2013

Awdur  
Awdur

## Penderfyniad ar yr Apêl

## Appeal Decision

Gwrandawriad a gynhaliwyd ar 11/06/13  
Ymweliad â safle a wnaed ar 11/06/13

Hearing held on 11/06/13  
Site visit made on 11/06/13

gan **Gareth A. Rennie BSc(Hons) DipTP**  
Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: **17/07/13**

by **Gareth A. Rennie BSc(Hons) DipTP**  
an Inspector appointed by the Welsh Ministers  
Date: **17/07/13**

**Appeal Ref: APP/L9503/A/13/2192575**

**Site address: Barry Island Farm, Llanrhian, Haverfordwest, SA62 5BH**

**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 Roger Smith against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/12/0560, dated 9 November 2011, was refused by notice dated 4 February 2013.
- The development proposed is the extension of time for the retention of a caravan.

### Decision

1. The appeal is allowed and planning permission is granted for the extension of time for the retention of a caravan at Barry Island Farm, Llanrhian, Haverfordwest, SA62 5BH in accordance with the terms of the application, Ref NP/12/0560, dated 9 November 2011, and the plans submitted with it, subject to the following conditions:
  - 1) The caravan hereby permitted shall be occupied for holiday purposes only and not as a person's sole or main place of residence.
  - 2) The use hereby permitted shall be carried on only by Mr Roger Smith and shall be for a limited period being the period of 5 years from the date of this decision, or the period during which the caravan is occupied by Mr Roger Smith whichever is the shorter.
  - 3) When the premises cease to be occupied by Mr Roger Smith or at the end of 5 years whichever shall first occur, the caravan hereby permitted and all materials and equipment brought on to the land in connection with the caravan shall be removed. The land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.
  - 4) Prior to any repainting of the exterior of the caravan hereby permitted, details of the colour(s) to be used shall be submitted to the local planning authority for prior written approval, such painting to be carried out in accordance with the approved details.
  - 5) All existing hedge-banks, natural stone boundary walls and tree/shrub growth shall be retained and protected at all times.

## Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area and the special qualities of the National Park (NP).

## Reasons

3. The proposal in this case is the retention of a caravan for a temporary period of five years at a site adjacent to the farm buildings of Barry Island Farm. The caravan was first granted temporary permission on appeal in 1994. Subsequent temporary permissions have been granted on a personal basis in 1999, 2002, 2006 and 2009.
4. I understand that the Authority wishes to control sporadic development within the park and the siting of caravans in the open countryside. The Authority have referred to Policy 37 of the Pembrokeshire Coast National Park Local Development Plan (LDP) which only refers to non caravan self catering development and is not relevant in this case. Policy 38 however, does refer to caravan sites and seeks to prevent the development of new caravan sites within the park. Policy 8 of the LDP seeks to protect the special qualities of the NP and in particular the sense of remoteness and tranquillity.
5. Planning Policy Wales para. 4.16 says that, exceptionally, the personal circumstances of occupiers may be material to the consideration of a planning permission and that in such circumstances, a permission may be granted subject to a condition that is personal to the applicant. This advice is reiterated by circular 35/95 which says that conditions allowing personal permissions could be used in cases where, exceptionally, permission is granted because there are strong compassionate or other personal grounds for doing so. I consider that for the personal circumstances of occupiers to be so exceptional as to outweigh more general planning considerations they should be supported by evidence.
6. In this case the planning history of the site and the caravan is a very significant material consideration. An application for a new site for a single caravan in the countryside would be in clear conflict with the LDP. Even so, the repeated renewals of the planning permission for the siting of this caravan over a considerable period of time have resulted in the appeal site being to a degree an established location for this caravan.
7. The appellant has had the benefit of the caravan for a significant period of time overall. This has given rise to the expectation by the appellant that temporary permissions would continue within his lifetime, or at least up to the time when he was capable of visiting and enjoying the caravan. He has stated that his age will limit the amount of time that remains where it would be practical or possible for him to journey to the site from his home in the Midlands and that it is unlikely to continue for more than another five years. I consider that this is a reasonable expectation given the history of the site. The appellant's age and circumstances also carry significant weight in this matter.
8. Moreover, the caravan in accordance with conditions set on previous permissions has been relocated and screened by the construction of a new clawdd. It is well related to the existing farm buildings and for the most part is seen against this backdrop. As a result it has limited visual impact and does not have a significantly adverse impact on the surrounding countryside or the special qualities of the NP.

9. The proposal does conflict with the spirit and purpose of the development plan, and the siting of caravans in the countryside would conflict with policy 38 of the LDP. On balance, however, I consider there are sufficient personal circumstances and other material considerations to outweigh the planning aim of controlling development in the open countryside. In addition there would be little discernible harm to the character and appearance of the countryside or the special qualities of the NP.
10. It was also mooted during the hearing that the caravan could be retained on the site as part of permitted development in connection with the agricultural use of the farm in any case. This adds some weight to my previous conclusions.
11. The Authority have expressed concern that allowing this appeal would seriously undermine their ability to resist other such applications. I consider that the specific circumstances in this case would not prejudice the Authority's ability to resist other proposals in other parts of the NP.
12. In recognition of the weight that I have given to the personal circumstances of the appellant, I have included conditions which limit the occupancy of the caravan to the appellant or for a period of 5 years, and for holiday purposes only. Conditions also require the removal of the caravan and restoration of the site, the protection of existing boundaries and details of any repainting to be approved in the interests of the character and appearance of the area.
13. Consequently for the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

*Gareth A. Rennie*

Inspector



## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr C Kimpton	Appellant's Agent
Mr R Smith	Appellant

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

Caroline Phillips-Bowen	Planning Officer
Jeff Davis	Planning Assistant

### **INTERESTED PERSONS:**

Dawn Gibbons	Ynys Barry, Llanrhian, Haverfordwest, SA62 5BH
Ian Hale	Ynys Barry, Llanrhian, Haverfordwest, SA62 5BH
Meurig Raymond	Barry Island Farm, Llanrhian, Haverfordwest, SA62 5BH
Chris Smith	Bramble Cottage, Park Road, NN16 9PF

## **DOCUMENTS**

1 Letter of Notification

## **PLANS**

A Application plans