

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:-

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|-------------------------|---|
| NP/11/433 | Timber Log Cabin Permanent Agricultural Dwelling (Retrospective)
- Ffynnonddofn Farm, Newport, Pembrokeshire |
| Type | Hearing |
| Current Position | The Hearing took place on 2 nd May 2013 and the Inspectors decision is awaited. |
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| NP/12/0190 | Erection of 11kw wind turbine on 18m tubular tower – Porthclais, Ffordd Porth Clais, St Davids. |
| Type | Written Representations |
| Current Position | The appeal has been dismissed and a copy of the Inspectors report is attached for your information. |
| | |
| NP/12/0319 | Detached dwelling – Land adjacent to Yr Efail, Pontiago |
| Type | Hearing |
| Current Position | The appeal has been dismissed and a copy of the Inspectors report is attached for your information. |
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| NP/12/0342 | Installation of one 15kw wind turbine(15m mast height to hub, 20.979m to blade tip) plus associated foundation pad and underground cable – Philbeach Farm, Dale, Haverfordwest |
| Type | Written Representations |
| Current Position | The initial paperwork has been forwarded to the Inspector. |
| | |
| NP/12/0386 | Certificate of Lawfulness for siting of static caravan & metal container and all uses in excess of 20 years up to the present day, taking place on the holding – Erw-Lon, Lydstep |
| Type | Inquiry |
| Current Position | An Inquiry took place on 12 th March, 2013 and the Inspectors decision is awaited. |
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| NP/12/0408 | Erection of single dwelling – Taskers Garden, Opposite The Smithy, West Williamston |
| Type | Written Representations |
| Current Position | The appeal has been dismissed and a copy of the Inspectors report is attached for your information. |

NP/12/0412	Renovation of existing former farm workers (dwelling) cottage to create a rural enterprise workers dwelling – Penpant, Nine Wells, Solva
Type	Hearing
Current Position	The Hearing took place on 30 th April and the Inspectors decision is awaited.
NP/12/0536	New two storey, two bedroom dwelling – Garden of 64, Port Lion, Llangwm, Haverfordwest
Type	Written Representations
Current Position	The initial paperwork has been forwarded to the Inspector.
NP/12/0542	Conversion and single storey extension to vacant agricultural building to create a one bedroomed dwelling – Dan y Garn, St Davids
Type	Hearing
Current Position	The initial paperwork has been forwarded to the Inspector and a Hearing has been arranged for 12 th June, 2013.
NP/12/0560	Extension of time for retention of caravan – Barry Island Farm, Llanrhian, Haverfordwest
Type	Hearing
Current Position	The initial paperwork has been forwarded to the Inspector and a Hearing has been arranged for 11 th June, 2013.
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.



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 11/03/13

Site visit made on 11/03/13

gan **A D Poulter BA BArch RIBA**

by **A D Poulter BA BArch RIBA**

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: **20/05/13**

Date: **20/05/13**

Appeal Ref: APP/L9503/A/12/2187681

Site address: Porthclais, St Davids, Haverfordwest, SA62 6RR.

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 Professor T Hardman against the decision of the Pembrokeshire Coast National Park Authority.
 - The application Ref NP/12/0190, dated 5 April 2012, was refused by notice dated 6 June 2012.
 - The development proposed is the erection of an 11kW Gaia 133 wind turbine on an 18m tubular tower.
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Decision

1. I dismiss the appeal.

Main Issue

2. This is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The proposed wind turbine would be located in an open field, some 300m from the coastline and the coastal path, and about 200m from the nearest buildings at Porthclais Farm. The proposed turbine would have a rotor of about 7m radius, giving a maximum height to blade tip of about 24.8m. The supporting tower would be made of galvanised steel. A public right of way runs along the field boundary. At its closest it would be about 60m from the position of the proposed turbine.
4. The most relevant of the policies of the adopted *Pembrokeshire Coast National Park Local Development Plan* (LDP, September 2010) that I have been referred to is Policy 33: *Renewable Energy*. This states that small scale renewable energy schemes will be considered favourably, subject to there being no over-riding environmental and amenity considerations. It is supported by supplementary planning guidance (SPG) entitled *Renewable Energy*, which was adopted on 12 October 2011. Section 9 of the SPG deals with wind energy. It recognises that there is some potential for wind turbines within the National Park, where carefully sited. Annex 2 to the SPG provides guidance on the sensitivity of each Landscape Character Area (LCA) within the National Park, and commentary and guidance on where and how wind turbine developments can be accommodated. As adopted guidance which was subject to consultations the SPG carries substantial weight as a material consideration in this appeal.

5. The appeal site is located within LCA 18: St David's Headland. The overview set out in the relevant table in Annex 2 of the SPG describes the landscape as having a remote rural character, with open and undeveloped skylines and extensive coastal views. The site is close to LCA 17, which is drawn tightly around the main urban area of the City of St David's, with an extension south westwards. Nevertheless, I have no reason to disagree with the overview of character area LCA 18, and consider that it accurately reflects the character of the landscape within which the appeal site is set. I also agree with the statement in the overview to the effect that the character of the area poses serious constraints to wind turbine development, though inland cultivated areas are a little less sensitive. For small turbines of the type proposed the landscape is described as having a moderate to high sensitivity.
6. In this instance the proposed development would be a tall, moving, metallic structure. Its visual impact would not be mitigated by close proximity to existing buildings or structures. Although on cultivated land it would be close to the coast, rather than inland. It would be prominent in views from the nearby public footpath, and clearly seen from the coastal path. I consider for these reasons that it would not be sensitively sited, and that the proposed location would be contrary to the guidance set out in the table. It would be a highly noticeable built intrusion into this peaceful, rural coastal location and headland, and would spoil coastal views. It would be harmful in these respects to key sensitivities identified in the table. I have taken into account that planning permission would normally be granted only for a period of 25 years, after which the proposed turbine could be removed and no visual impact would remain. Nevertheless, I conclude that the proposed development would be seriously harmful to the character and appearance of the area for many years.
7. Cadw has advised that the site is within about 500m of a scheduled ancient monument known as St Non's Chapel. It is also within a Registered Landscape of Outstanding Historical Interest, and about 500m from a registered historic garden at the Warpool Court Hotel. The Dyfed Archaeological Trust has advised that it cannot guarantee buried archaeology would not be damaged by the proposed development and its associated cabling. However, no formal assessment of the significance of these historic assets or their setting, or of the effect of the proposed development on their heritage value, has been carried out for the appellants¹. I therefore do not have sufficient information to be able to determine whether the effect of the proposed development on the historic environment would be acceptable.
8. The Authority's concerns about the information needed to properly assess potential impacts on diversity or upon the neighbouring Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) stem in part from a lack of precision in the site plans that accompanied the application. In my view this is a matter of detail that could be dealt with by conditions. However, an *Ecological Walkover Survey Report*² commissioned for the appellant notes the likely presence of protected bird species, including chough and peregrine falcons. The report considers a much larger turbine, with a rotor of 33m diameter and hub height of 33m. It recommends further surveys in order for potential collision risks to be properly assessed. It goes on to advise that if the turbine size were to be reduced the more detailed collision risk assessment would be unnecessary. However, the report does not give convincing reasons for this

¹ As advised in *Conservation Principles*, Cadw / Welsh Assembly Government, March 2011.

² Biodiversity Solutions, survey date 20 January 2012, report ref. PJ/120120.

conclusion, and whilst I accept that the risk would be reduced I do not consider that it would be eliminated. The Countryside Council for Wales has advised that further desk and field survey work should be undertaken, in order for the proposal to be properly assessed. In view of the degree of legal protection given to choughs and peregrine falcons I have no reason to disagree. I conclude that I also do not have sufficient information to be able to determine whether the effect of the proposed development on wildlife and ecology would be acceptable.

9. No significant harm has been identified in terms of noise, or other residential amenity or safety consideration. I accept that the proposed development would be broadly neutral in these respects.
10. There is no dispute that the area has good wind resources, or that onshore wind is currently one of the most effective means of electricity generation from renewable resources. The proposed turbine would make a substantial contribution towards electricity consumption at Porthclais farm and its campsite. It would also make a small but significant contribution towards the reduction of carbon dioxide emissions. These are benefits that weigh in favour of the proposal.

Summary of Conclusions

11. I have concluded above that the proposed development would be seriously harmful to the character and appearance of the area. In view of the statutory duty to have regard to the purposes of National Parks, which include the conservation and enhancement of their natural beauty, wildlife and cultural heritage, I consider this to be an over-riding environmental consideration which brings the proposal into conflict with LDP Policy 33. It would also bring the proposal into conflict with LDP Policy 1, which is an overarching policy dealing with National Park purposes and duty, and LDP Policy 8, which seeks to protect and enhance the special qualities of the National Park. I conclude for these reasons that the proposed development would conflict with the development plan for the area. This conclusion weighs very heavily against the proposal.
12. I have also concluded that I do not have sufficient information to be able to determine whether the effect of the proposed development on the historic environment and on wildlife and ecology would be acceptable. As the purposes of the National Park include the conservation and enhancement of cultural heritage and wildlife this is also a conclusion that weighs heavily against the proposal.
13. The proposal would be broadly neutral in terms of noise, other residential amenity considerations, and safety. There would be benefits in terms of generation of energy from freely available renewable resources and savings in carbon emissions. However, the proposed turbine would be rated at only 11kW. The benefits to matters of public interest would therefore be small. On balance, I consider that these benefits would be far outweighed by the harm to the character and appearance of the area, and the uncertainty about the effect on the historic environment and wildlife.
14. In reaching my decision I have taken into account national planning policy relating to planning for renewable energy, set out in *Planning Policy Wales* (Edition 5, November 2012) and *Technical Advice Note 8* (TAN 8). However, as advised in paragraph 2.13 of TAN 8, outside designated Strategic Search Areas there is a balance to be struck between the desirability of renewable energy and landscape protection. I have concluded that the balance is clearly in favour of landscape protection in this instance. National planning policy also seeks to protect the historic environment and wildlife. I

therefore find nothing in national planning policy, or indeed in any other material consideration that has been raised, that would indicate that the appeal should be determined other than in accordance with the development plan for the area.

15. I have taken into account both public support for the proposal, and public opposition to it. I have also taken into account that planning permission has been granted for wind turbines of a similar size elsewhere in the National Park. However, my duty is to determine the appeal on its individual planning merits. The circumstances of other wind turbines that have been brought to my attention appear to be different, and their approval does not set a precedent that I must follow. The harm and conflict with planning policy that I have identified could not be overcome by the use of planning conditions. I conclude for the reasons above that the appeal should be dismissed.

A D Poulter

INSPECTOR



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 09/04/13
Ymweliad â safle a wnaed ar 09/04/13

gan **Alwyn B Nixon BSc(Hons) MRTPI**
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: **13/05/13**

Appeal Decision

Hearing held on 09/04/13
Site visit made on 09/04/13

by **Alwyn B Nixon BSc(Hons) MRTPI**
an Inspector appointed by the Welsh Ministers
Date: **13/05/13**

Appeal Ref: APP/L9503/A/12/2188197

Site address: Land adjacent to Yr Efail, 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 outline planning permission.
 - The appeal is made by Mr R and Mrs V Llewelin against the decision of Pembrokeshire Coast National Park Authority.
 - The application Ref NP/12/0319, dated 14 June 2012, was refused by notice dated 22 October 2012.
 - The development proposed is erection of a detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was in outline, with matters of appearance, scale and landscaping reserved for later consideration. Details of layout and access, however, were stated as being for determination at this stage. I have dealt with the proposal on this basis.
3. The submitted site layout plan depicts a dwelling footprint in the form of a principal rectangular building with eaves line facing towards the highway, supplemented by a small front porch and an ancillary rear wing to the building. The indicative scale parameters given on the plan are as follows: width 9.3-9.6 m; depth 8.8-9.2 m; height to ridge 6.7-7.0 m. The access details shown on the plan depict a new access drive and site entrance positioned alongside the eastern plot boundary (replacing an existing track emerging at the site's north-western corner) and a 2.0 m wide verge provided across the site frontage between the highway carriageway edge and a new hedgebank feature. The layout plan shows the new driveway continuing past the eastern side of the proposed dwelling to a parking and turning area at the rear. My assessment of the effect of the development is based on these submitted details.

Main Issues

4. The main issues in this case are: whether the proposals accord with development plan policies governing the location of new residential development outside identified centres, in particular having regard, first, to its effect on the character and appearance of Pontiago and on the special qualities of the national park; and second, having

regard to accessibility to day-to-day facilities and services; and the proposal's effect on the living conditions of residential occupiers in the vicinity.

Reasons

Development plan policy

5. The development plan for the area is the Pembrokeshire Coast National Park Local Development Plan (LDP), which was adopted in September 2010. The LDP sets out a clear strategy for the location of new housing within the national park for the plan period to 2021. The plan contains a raft of strategy policies which identify different tiers of settlements where new residential development will be permitted, including a tier of rural centres possessing certain local facilities where some opportunity for housing to help sustain rural communities is identified.
6. Pontiago, however, is not such a centre. It is a small hamlet of about half a dozen dwellings and a vehicle repair garage situated in open countryside some 3 km from Goodwick (which lies outside the national park boundary). As such, development proposals fall to be considered under LDP policy 7 Countryside (Tier 5) (Strategy Policy). Policy 7 permits development only in certain limited circumstances. In this case, compliance or conflict with policy 7 turns on whether the proposal satisfies criterion a), which permits "sensitive filling in of small gaps or minor extensions (i.e. rounding off) to isolated groups of dwellings". Criterion a) also states that release of land will depend on the character of the surroundings, the pattern of development in the area and the accessibility to the centres identified in the hierarchy.
7. LDP policy 7 is consistent with national policy guidance in Planning Policy Wales (PPW), which at paragraph 9.3.2 states that "sensitive filling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area."
8. LDP policies 8, 15, 29 and 30 also bear on consideration of the matters raised by criterion a) of policy 7, in that they relate to protecting and enhancing the special qualities and character of the national park, sustainable design and amenity. Policy 8 also reflects the duty upon me, in reaching my decision, to have particular regard to the statutory purposes of national park designation, namely the conservation or enhancement of the natural beauty, wildlife and cultural heritage of the park, and promoting the public understanding and enjoyment of those qualities.

Effect on character, appearance and special qualities of the national park

9. Pontiago is a small, isolated group of dwellings situated in open countryside between Goodwick and Strumble Head. A small vehicle repair garage occupies a roadside position opposite the appeal site. Development fronting the south-west side of the road at Pontiago consists of two dwellings to the north-west of the appeal site and the former smithy (which evidently after closing was used as a dwelling until about 30 years ago) and an adjacent bungalow ("Yr Efail") immediately to the south-east. Although the angled alignment of the site boundary with the highway results in a road frontage of close to 20 m, the site is actually considerably narrower.
10. The main part of the appeal site is a small, gradually sloping grassed enclosure, bounded by substantial traditional Pembrokeshire hedge banks along its western side and most of the highway frontage. The eastern site boundary, which appears to include the remains of a traditional hedge bank, runs along the back of, and very close

to, the former smithy building, which stands end-on to the highway and at a lower ground level. The differences between the appeal site levels and the ground level of the adjacent smithy increases with distance from the highway, although the precise differential is difficult to ascertain with certainty, because of the collapsed nature of the rear part of the smithy building and the decayed and heavily overgrown state of the boundary hedge bank in this area, which supports a belt of sycamore growth about 8m in height. Much of the rear part of the appeal site is a thicket of trees within a stone-walled enclosure, evidently abandoned garden area associated with ruined and overgrown cottages behind the appeal site.

11. The proposed development would consolidate the existing limited frontage of development at Pontiago, replacing a visually significant open space at the core of the hamlet with built development. Whilst such intensification of built form might not be harmful in other circumstances, in this instance the replacement of prominent land of open character with a dwelling house would significantly alter the character and appearance of the hamlet, given the small number of existing buildings and the way that the present character of the appeal site extends the countryside into its heart.
12. Moreover, measurements taken on site demonstrate, notwithstanding the red line boundary depicted on the submitted site layout plan, that the available space within the site for development is in practice constrained by the presence of the wide traditional hedge bank constructed along the western boundary line and the more dilapidated hedge bank/retaining structure along the boundary with the rear of the adjacent former smithy. In my judgement it would not be possible to construct a dwelling of the stated width parameters in the location proposed and without interfering with the western boundary hedge bank, together with a new vehicular access drive 3 m in width as shown on the layout plan, and also provide an effective and appropriate boundary treatment with the rear of the former smithy.
13. Even if the proposed development could physically be accommodated as shown on the layout drawing, such an approach fails signally to have regard to the characteristic features and context of the site. The replacement of the existing site access arrangements with a new entrance at the eastern end of the site frontage would entail the removal of the existing roadside traditional stone and earth hedge bank. Even though a replacement hedge bank would be constructed on a new alignment further back from the carriageway edge, this would nonetheless result in the loss of the original structure. The existing belt of trees along the eastern boundary would be lost, as would 6 of the 8 other identified trees within the site. In total, 14 of the 16 trees on the site identified in the arboricultural report would be removed (a further 2 trees lie outside the site and would not be affected). Although only one of these trees is identified as individually of Category B (moderate) value, such wholesale removal of trees would effectively destroy the site's partly wooded appearance and the positive contribution it makes to the character and appearance of Pontiago in these terms. The dimensions of the site and the development layout would preclude adequate compensatory tree planting and landscaping such as to mitigate this adverse effect.
14. In addition, I consider that the proximity of the proposed dwelling to the adjacent former smithy, together with the removal of the intervening tree belt, would place the new dwelling in an unduly dominant and overbearing position in relation to the old smithy building, which although not listed and in need of repair is nonetheless a building of historical, cultural and visual significance to the locality. The proposed development layout also ignores, and would partly destroy, the stone-walled garden area remains on the southern part of the site.

15. In the light of these factors I conclude that the proposed development would not constitute "sensitive filling in" as required by criterion a) of LDP policy 7, and that it would have a significantly harmful effect on the character of the site and its surroundings and the pattern of development in the area. The proposal therefore conflicts with policy 7. Moreover, having regard to the implications of the proposal for the character of Pontiago, in particular the loss of the original stone and earth hedge bank to the site frontage and the relationship of the development to the adjacent former smithy building, I conclude that the development would also fail to conserve the special cultural heritage qualities of the national park, and so would be in conflict with LDP policy 8.

Accessibility

16. Pontiago lies about 3 km from Goodwick, where the nearest shops and other day-to-day facilities and services are located (although the primary school is somewhat closer). Ease of access to facilities other than the school on foot or by bicycle is further reduced by a steep hill which would have to be climbed on the return journey. The only public transport is the "Strumble Shuttle", which provides only a limited service between Pontiago and Goodwick unlikely to be of regular practical benefit on a day-to-day basis. Whilst I recognise that other "isolated groups of dwellings" within the national park may have poorer accessibility to day-to-day services and facilities by means other than the car, it appears to me that occupants of any new dwelling at Pontiago would be highly dependent on the private car for access to facilities and services. As such, I find that the accessibility credentials of the site weigh against, rather than in favour of, the proposal in terms of the provisions of LDP policy 7.

Effect on residential amenity

17. The authority's objection in terms of this issue relates to the resulting physical relationship between the proposed development and the former smithy. However, it emerged at the hearing that the latter building, although evidently occupied as a dwelling until about 30 years ago, does not have an active residential use. Moreover, significant reinstatement works would appear to be necessary to resume residential occupation. From what is apparent regarding existing window openings and entrances to the building, it is not clear what, if any, harm to the living conditions of any future occupiers of the former smithy building the development would cause. I recognise the concerns of the family who own the former smithy that the current development proposal might physically compromise their ability to reinstate the property in the future. However, this is essentially a private legal matter between adjoining landowners, centring on precisely where the boundaries of ownership lie and what rights and responsibilities rest with the parties concerned.

18. I have also had regard to the effect of the proposal on other neighbouring occupiers, including the effect on the outlook from habitable area windows at Yr Hafod. However, given the distance of the proposed dwelling from surrounding occupied dwellings and the presence of intervening physical features to be retained I find nothing which leads me to conclude that the proposed development would unacceptably harm the living conditions of neighbouring occupiers in any way, provided that due care were taken with the detailed design of the proposed dwelling. Consequently, I conclude that the development would be acceptable in this respect. However, this does not dilute my firm conclusion that the proposal is unacceptable in terms of the first main issue.

Other matters

19. I have had regard to all other matters raised. I note that the current proposal follows a previous appeal decision concerning a dwelling to be located further back from the highway, which dismissed that proposal largely because of concerns about its effect on the balance of open space and built development in the locality, the erosion of open land providing a link with the surrounding open countryside and the loss of trees and hedgerows on the site. However, for the reasons I have given I do not consider that this proposal satisfactorily overcomes those earlier concerns, and indeed introduces additional objections in the terms I have identified. Nothing else raised in support of the proposal is of such significance as to outweigh the clear harm to the character and appearance of the locality and the special qualities of the national park that I have identified.
20. I have noted the points made by other parties concerning highway safety and surface water. The highway authority considers that the proposal would be acceptable in highway safety terms and I find no reason to disagree with that view based on my own assessment of the location. Surface water run-off could be adequately controlled by means of appropriate development details secured by a condition. Consequently I do not find that these matters constitute substantive objections to the proposal.

Overall conclusion

21. For the reasons given above, I conclude that the proposed development would cause unacceptable harm to the character and appearance of this countryside locality and to the special qualities of the national park. It would be in clear conflict with policies 7 and 8 of the LDP and there are no material considerations which indicate a determination otherwise than in accordance with the development plan. Accordingly, and having had regard to all matters raised, the appeal does not succeed.

Alwyn Nixon

Inspector

APPEARANCES

FOR THE APPELLANTS:

Mr Richard Banks Owen Banks Planning and Development
BA(Hons)(T&CP), MRTPI

FOR THE LOCAL PLANNING AUTHORITY:

Mr Andrew Richards MA Pembrokeshire Coast National Park Authority
Mr Jeffrey Davis BA Pembrokeshire Coast National Park Authority

INTERESTED PERSONS:

Mr J A Williams Local resident
Mr D E Davies Local resident
Mr & Mrs M & I Williams Local residents
Mr & Mrs R & P Martin-Fagg Local residents



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 17/04/13

Site visit made on 17/04/13

gan Kay Sheffield BA(Hons) DipTP
MRTPI

by Kay Sheffield BA(Hons) DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 13/05/13

Date: 13/05/13

Appeal Ref: APP/L9503/A/13/2192159

Site address: Taskers Garden opposite The Smithy, West Williamston, Kilgetty, Pembrokeshire, SA68 0TL

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 Chris Griffiths against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/12/0408, dated 6 August 2012, was refused by notice dated 5 October 2012.
- The development proposed is the erection of a single dwelling.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would be sustainable in terms of its location.

Reasons

3. The appeal site lies within a group of properties in West Williamston which is situated to the north west of Carew and is accessed by minor roads from the A4075 Milton to Haverfordwest Road. The proposed development is the erection of a two storey dwelling with detached garage on garden land which is currently overgrown. Part of the site is the subject of a Tree Preservation Order.
4. West Williamston is not an identified centre in the Pembrokeshire Coast National Park Local Development Plan, 2010 (LDP) and whilst Policy 7 of the LDP permits new residential development outside identified centres, it is limited to the sensitive filling in of small gaps or minor extensions to isolated groups of dwellings. The principle of development on the appeal site as an infill plot was previously established when outline planning permission for the erection of a dwelling was granted on appeal¹ in 2004. Although that permission lapsed in 2009, the Authority accepts the principle of infill development on the appeal site and I have no reason to reach a different

¹ Appeal Ref: APP/L9503/A/03/1131431/T dated 5 March 2004

conclusion. However, Policy 7 also requires the consideration of other matters, including the accessibility of the site to recognised centres.

5. Whilst Technical Advice Note 18: Transport (TAN 18) in paragraph 3.10 recognises that the car is important for accessibility in rural areas and is likely to remain so for the foreseeable future, Planning Policy Wales² (PPW) states in paragraph 8.1.3 that the Welsh Government supports a transport hierarchy in relation to new development that establishes priorities in such a way that, wherever possible, they are accessible in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles. This is reflected in Policy 52 of the LDP which seeks to ensure that opportunities are taken to improve and promote accessibility and reduce the need to travel by car.
6. Both parties have made reference to The Institute of Highways and Transportation Guidelines for Providing Journeys on Foot, 2000 (IHT). The appellant has queried the Authority's statement that these guidelines suggest the maximum acceptable distance between a site and a range of facilities or bus route is 1km. However the Authority has clarified that the guidelines give a preferred maximum walking distance of 2km for commuting for pedestrians without mobility impairment but states that the average length of walk journey is 1km and that acceptable walking distances will vary between individuals and circumstances.
7. In addition the Authority's draft guidance on Accessibility Assessment³ (SPG), which refers to the Authority's use of the IHT guidelines, confirms that 1km is the standard used when assessing the accessibility of site calculated as an actual distance along appropriate routes from the site to a reasonable point in the nearest centre or the nearest bus route. Whilst limited weight can be attributed to the SPG as it is to be reviewed following public consultation, it confirms the Authority's approach.
8. The distance of the appeal site from the nearest centre is outside that specified in the guidelines and the nearest bus route, which is accessed from West Williamston via Rosemary Lane, is approximately 1.8 km from the site. Whilst this is within the 2km preferred maximum walking distance, it is well in excess of the 1km average length of journey identified in the IHT guidelines and in the Authority's draft SPG.
9. The frequency and times of the bus service are also a consideration. The draft SPG contains the Pembrokeshire County Council Highway Authority's categorisation of bus service frequencies. For a strategic service which is classed as being at times suitable for travel to and from work, schools and shopping a minimum of five journeys a day is considered necessary to have a reasonable degree of mobility without private transport. A daily service is classed as being on at least five days per week, but lacking one or more of the features necessary to be a strategic service.
10. The nearest bus route to the appeal site has been identified by the parties as being the 361 service which runs between Pembroke Dock and Tenby. The timetables submitted by the appellant indicate that on week days there are four journeys during the day between Pembroke and Tenby, the first leaving Pembroke at 7:40 and the last at 16:15 and in the reverse direction there are three journeys, the earliest leaving

² Edition 5 November 2012

³ Draft Supplementary Planning Guidance to the Local Development Plan for the Pembrokeshire Coast National park: Accessibility Assessment, June 2012.

Tenby at 08:45 and the latest at 15:10, together with one at 17:20 on summer Bank Holiday Mondays. The number of journeys falls short of the strategic standard and moreover the time and frequency of the journeys would fail to provide a service suitable for travel to and from work and shopping trips. It would, however, provide a daily service. Although the appellant contends that with an additional family in the area the route might be diverted through West Williamston, there is no evidence in support of this.

11. Given the distance of the site from the bus route and the limited frequency of the service it is considered that the use of the bus would not provide a realistic alternative to car travel and that the site is not in an accessible location. However, in some instances the particular type of development or other sustainable developments it might bring may outweigh the need for it to be in an accessible location.
12. The Travel Plan (TP) submitted as part of the planning application, indicated that whilst the property would be a family home, the appellant's consultancy and the wedding cake business operated by his partner would be based at the property. However, little detail of the scale or operation of the businesses or the practicalities of running them whilst seeking to minimise the use of private transport has been submitted. Whilst it is acknowledged that a modern consultancy reliant on the internet could be run from the property and, as proposed in the TP, any associated trips could be made by cycle and train, the same may not apply to the wedding cake business or to clients attending the property. Although materials could be ordered via the internet and delivered to the property, as proposed in the TP for shopping generally, the delivery of the finished product to the venue could be difficult except by private transport.
13. It is noted from the TP that it is the appellant's intention that his children would travel to school by school bus from West Williamston and whilst no evidence of the service or the schools served by it has been submitted, I have no reason to doubt that the children could attend a local school using the school bus thus negating the need for them to be usually transported using the private car. The TP also states that car sharing with family and friends would be utilised for necessary trips to town whenever practicable and although the appellant has also set out a range of services and facilities available within the local area, no indication of the likely number of trips and how many would be shared has been given.
14. On this basis it is considered that although the site may be beyond the average recognised distance from the nearest bus route and only a daily service might be provided, the life style of the appellant and his family could provide the necessary flexibility required to ensure that walking, cycling or the bus is used in preference to the private car. Nevertheless I am not satisfied that the TP in its current form contains sufficient detail to secure the commitment necessary to ensure car usage would not be relied on in preference to the use of public transport.
15. In addition the TP has to be relevant for the life of the development not just for its occupation by the appellant and his family in their current circumstances. Although there is no standard format or content for a TP it should set out a long term strategy to manage trips to and from the site following its development and occupation and be regularly reviewed to assess its effectiveness. The TP as submitted fails to set out a long term strategy which could be secured through a planning condition enforceable against any developer who implements the permission or subsequent occupiers of the property or through a planning obligation under Section 106 of the Town and Country Planning Act, 1990.

16. Paragraph 9.13 of TAN 18 states that the weight to be attached to a TP when determining a planning application will depend on the extent to which it (or parts of it) can be secured through a planning condition or obligation and the extent to which it affects the acceptability of the proposal. Development that is unacceptable should never be permitted because of the existence of a TP if its implementation cannot be enforced. In the light of the concerns identified in respect of the TP and the above guidance it is concluded that little weight in support of the appeal can be attributed to the TP in its current form.
17. Policy 7 of the LDP in permitting infill development also gives priority to development which would meet affordable housing needs. The Authority has indicated that the principle of the use of the site for affordable housing would be acceptable and that there is a need for affordable housing within the Community Council area. Whilst the appellant's connections with the local community and his desire to move back into the area are noted, the proposed development would not constitute affordable housing. Although the appellant contends that such housing would generate similar if not increased transport needs to his own since the occupiers might have to commute to work, paragraph 2.2.3 of Technical Advice Note 6: Planning for Sustainable Rural Communities (TAN 6) states that where development proposals are intended to meet local needs, a site may be acceptable even though it may not be accessible other than by the private car. On this basis the site is not considered to be accessible for a full residential use although it may be suitable for affordable housing.
18. The evidence therefore leads me to conclude that although the principle of infill development on the site is acceptable, its location with regard to the distance from a bus route and the frequency and timing of the service make it inaccessible and unacceptable for the residential use proposed. Whilst the circumstances of the appellant and his family in terms of their proposal to work from home may reduce their reliance on private transport, the benefits this might bring are not sufficient to outweigh the inaccessible location of the appeal site. Moreover, this would depend on a TP which could be enforced in perpetuity. The development would therefore not be sustainable in terms of its location, contrary to Policies 7 and 52 of the LDP, PPW and TAN 18.
19. The appellant has stated that the proposal would be a live/work development and could be considered as a rural enterprise exception. New dwellings in the open countryside may be justified when accommodation is required to enable rural enterprise workers to live at or close to their place of work. However, I am not convinced by the evidence that it is essential for the businesses run by the appellant and his family to be located at the appeal site and although it may be their personal preference to do so this is not sufficient to justify the development.
20. It is noted that in his assessment of the previous appeal the Inspector acknowledged that the proposal would result in almost total dependence upon the use of the private car. However he considered that the fact that the site was not a conventional greenfield site and the high probability that, if not put to some useful purpose, its condition would continue to decline, the consequences of which would be seriously damaging to the appearance and character of West Williamston and the wider National Park and were sufficient to outweigh the national objective to minimise the need for travel, especially by private car. Whilst the Inspector's decision is a material consideration in determining the current appeal, national and local policies relevant at that time have been superseded and it is against the current policies that I have to judge the appeal.

21. Paragraph 4.4.3 of PPW confirms that locating developments so as to minimise the demand for travel, especially by private car, remains one of the key policy objectives. However, paragraph 2.2.1 of TAN 6 states that a key question in determining applications is whether the proposed development would enhance or decrease the sustainability of the community. Whilst TAN 6 goes on to state that support should be given to developments which help achieve a better balance between housing and employment, encouraging people to live and work in the same locality, in view of the concerns identified in respect of the TP I do not consider that the development would enhance the sustainability of the community and on this basis the previous permission carries insufficient weight to justify overriding the conclusions already reached on the appeal.
22. The appellant in his final comments on the appeal has cited three cases where he contends the matter of accessibility has been given less consideration than in the appeal. Two of the cases related to the conversion of redundant barns into holiday lets which would not necessarily generate the same level of car trips as a residential property. In addition the buildings lay approximately 1.22 km from the nearest settlement or bus route compared to 1.8km in respect of the appeal. On this basis I do not consider a true comparison can be drawn between these cases and the appeal.
23. The third case was in respect of a new dwelling the site of which the appellant has stated was more remote than the appeal site with no bus service other than a school service. Whilst the Authority considered the principle of infill on the site was in accord with Policy 7 of the LDP, the issue of accessibility was not addressed in the report and as it is been highlighted by the appellant at such a late stage in the appeal process the Council has not had an opportunity to address the matter. From the limited details submitted and in the absence of any explanation from the Council I am unable to fully satisfy myself as to whether or not the matter of accessibility was a defining issue. Notwithstanding this, the fact that the Authority may have determined an application without considering the issue of accessibility does not negate the need for me to do so in respect of the appeal, which has been treated on its merits.
24. For the reasons given above, and having had regard to all other matters raised, it is concluded that the development would not be sustainable in terms of its location. The appeal is therefore dismissed.

Kay Sheffield

Inspector

