

REPORT OF 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/11/433** Timber Log Cabin Permanent Agricultural Dwelling (Retrospective)
Ffynnonddofn Farm, Newport, Pembrokeshire
- Type** Hearing
- Current Position** The Initial paperwork has been forwarded to the Inspector and a Hearing has been arranged for 23rd April, 2013.
- NP/12/0190** Erection of 11kw wind turbine on 18m tubular tower - Porthclais,
Ffordd Porth Clais, St Davids.
- Type** Written Representations
- Current Position** The initial paperwork has been forwarded to the Inspector.
- NP/12/0230** Low Impact Development on 6 hectares to include dwelling, an
agricultural barn, an education room, a polytunnel and volunteer
sleeping space
Land adjacent to Binchurn Farm, Llanon, Haverfordwest
- Type** Hearing
- Current Position** The Hearing has taken place on 13th February, 2013 and the
Inspectors decision is awaited.
- NP/12/0319** Detached dwelling –
Land adjacent to Yr Efail, Pontiago
- Type** Hearing
- Current Position** The initial paperwork has been forwarded to the Inspector and a
Hearing has been arranged for 9th April 2013.
- 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** The initial paperwork has been forwarded to the Inspector and the
Inquiry will be held on 12th March, 2013.
- NP/12/0408** Erection of single dwelling
Taskers Garden, Opposite The Smithy, West Williamston
- Type** Written Representations
- Current Position** The initial paperwork has been forwarded to the Inspector.

NP/12/0409	Change of use from shop to residential flat – Webb Computers, 17 Warren Street, Tenby
Type	Written Representations
Current Position	This appeal was dismissed and the Inspectors report is attached.
NP/12/0412	Renovation of existing former farm workers (dwelling) cottage to create a rural enterprise workers dwelling- Penpant, Nine Wells, Haverfordwest,
Type	Hearing
Current Position	The Initial paperwork has been forwarded to the Inspector and a hearing has been arranged for 30 th April, 2013.
NP/12/0427	External wall insulation (Retrospective) 16, The Terrace, Rosebush, Clunderwen
Type	Written Representations
Current Position	The Initial paperwork has been forwarded to the Inspector
NP/12/0529	Replacement side extension with proposed rear first floor balcony. Park Cottage, 29, Prendergast, Solva,
Type	Householder Appeal
Current Position	The Initial paperwork has been forwarded to the Inspector and a hearing has been arranged for 9 th April, 2013
NP/12/0535	Roof alterations consisting of change in pitch of roof on rear elevation and re-covering with slat. Lower Hill Cottage, Haroldston Hill, Broad Haven,
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 Danygarn, 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



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 10/01/13

gan **Gareth A. Rennie BSc(Hons) DipTP**
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: **22/02/13**

Appeal Decision

Site visit made on 10/01/13

by **Gareth A. Rennie BSc(Hons) DipTP**
an Inspector appointed by the Welsh Ministers
Date: **22/02/13**

Appeal Ref: APP/L9503/A/12/2187020

Site address: Webb Computers, 17 Warren Street, Tenby, Dyfed, SA70 7JX

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 grant of planning permission subject to conditions.
 - The appeal is made by Ms Lisa May against the decision of Pembrokeshire Coast National Park Authority.
 - The application Ref NP/12/0409, dated 6 August 2012, was approved on 20 September 2012 and planning permission was granted subject to conditions.
 - The development permitted is change of use from shop to residential flat.
 - The condition in dispute is No 3. which states that: 'the development hereby permitted shall not be occupied until the sum of £6,200, as an affordable housing contribution, has been paid to Pembrokeshire county Council. In the first instance spend will be restricted to the local community area of Tenby and land within adjacent Community Councils which lie within the National Park. Any land within these Community Councils which lie outside the National Park would be excluded. If the money is not spent within 3 years in the local area (as defined in the previous paragraph) the money should be made available to spend on the delivery of affordable housing in the remainder of the Community Council area if outside the National Park (excluding the main towns of the County, Haverfordwest, Milford Haven, Pembroke/Pembroke dock, Neyland, Fishguard and Goodwick). This would acknowledge the fact that there are some split settlements where it would be reasonable to allow spend in the same locality to meet the need. If not spent within 5 years then it should be returned to the applicant.'
 - The reason given for the condition is: 'To assist with the delivery of affordable housing in the Pembrokeshire coast National Park. Local Development Plan – Policy 45 (Affordable Housing)'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on policies designed to allow for the provision of affordable housing.

Reasons

3. Policy 45 of the Pembrokeshire Coast National Park Local Development Plan (LDP) defines the requirements in the Park for affordable housing. It specifically says that a commuted sum will be sought to help with the delivery of affordable housing in cases of less than 2 units. This is supported by the Authority's Supplementary Planning Guidance - *Affordable Housing* (SPG) which lays down, amongst other matters, the method of calculation of such a commuted sum.

4. The disputed condition requires the payment of a commuted sum of £6,200 based on the rate of £100 per m² as stated within the SPG. The appellant maintains that this would make the scheme unviable and has proposed a reduced sum of 10 per m².
5. Section 17 of the SPG sets out the minimum requirements for a viability appraisal. These include the proposed sale price, build cost per metre, developer profit, exceptional costs, costs of finance, an independent valuation of the current land use value of the site and estimated figures for marketing, legal and other costs of development. None of this evidence has been submitted by the appellant.
6. The provision of affordable housing and the basis upon which a commuted sum is sought is supported by the LDP and by national and local guidance. The appellant has referred to English planning guidance however this does not apply in Wales. In the absence of any compelling evidence to the contrary I conclude that the condition would not have a harmful impact on the viability of the proposal and that there is little basis for the appellant's suggestion that a lower amount would be more appropriate.
7. I understand that the appellant views the sum as an additional burden, and her suggestion that the commuted sum was forced upon her. Nevertheless, The NPA has also provided evidence to show that the appellant was fully cognisant of the commuted sum and was agreeable to it at the time¹. Representations were also made to the effect that Ms May's rights under the European Convention on Human Rights would be violated if the appeal were dismissed. Ms May is not specific about which article of the convention is being referred to. Nevertheless, in view of my conclusions above I consider that it is unlikely that there would be unlawful interference with the appellant's human rights.
8. The SPG states that the basis for calculation of such a commuted sum was to be introduced in a phased manner up to a sum of £250 per m². The sum of £150 per m² was introduced as of 1 October 2012. Whilst it is open to me to impose a condition reflecting this increased amount I consider that in the interests of natural justice it would be unreasonable to do so in this case.
9. I have taken into account Circular 35/95 *The Use of Conditions in Planning Permissions* and I conclude that condition 3 is not unnecessarily restrictive in its present form, and is reasonable and necessary to secure an appropriate commuted sum. This is necessary in order to provide for affordable housing within the National Park. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gareth A. Rennie

Inspector

¹ Email dated 10 September 2012