

## 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/13/0460** Dwelling, Plot 1 Blockett Lane, Little Haven  
**Type:** Hearing.  
**Current Position:** The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.
- NP/13/0461** Dormer Cottage, Plot 2 Blockett Lane, Little Haven  
**Type:** Hearing.  
**Current Position:** The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.
- NP/13/0462** Dwelling and Detached Garage, Plot 3 Blockett Lane, Little Haven  
**Type:** Hearing.  
**Current Position:** The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.
- NP/13/0463** Dwelling, Plot 4 Blockett Lane, Little Haven  
**Type:** Hearing.  
**Current Position:** The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.
- NP/14/0013** Installation of 16 solar panels in 4 rows in field adjacent to cottage, change of use of field to residential curtilage & retrospective engineering works to alter ground levels, The Cheese House, Lochvane, Pen Y Cwm  
**Type:** Written Representations  
**Current Position:** The appeal has been allowed and a copy of the Inspectors decision is attached for your information.

---

## Penderfyniad ar yr Apeliadau

Gwrandawriad a gynhaliwyd ar 25/09/14  
Ymweliad â safle a wnaed ar 24/09/14

gan **Tim Belcher FCII, LLB (Hons),  
Cyfreithiwr (Nad yw'n Ymarfer)**

Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 21 Hydref 2014

## Appeal Decisions

Hearing held on 25/09/14  
Site visit made on 24/09/14

by **Tim Belcher FCII, LLB (Hons),  
Solicitor (Non Practising)**

an Inspector appointed by the Welsh Ministers  
Date: 21 October 2014

---

### Appeal A Ref: APP/L9503/A/14/2218961

Site address: Plot 1, The Old Turkey Factory, Blockett Lane, Little Haven,  
Haverfordwest, SA62 3UH

**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 (the 1990 Act) against a refusal to grant planning permission.
  - The appeal is made by Mr K and Mrs R Holmes against the decision of Pembrokeshire Coast National Park Authority (the NPA).
  - The application Ref NP/13/0460, dated 1 October 2013, was refused by notice dated 20 November 2013.
  - The development proposed is a dormer cottage.
- 

### Appeal B Ref: APP/L9503/A/14/2218986

Site address: Plot 2, The Old Turkey Factory, Blockett Lane, Little Haven,  
Haverfordwest, SA62 3UH

**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 1990 Act against a refusal to grant planning permission.
  - The appeal is made by Mr W and Mrs N Davies against the decision of the NPA.
  - The application Ref NP/13/0461, dated 1 October 2013, was refused by notice dated 20 November 2013.
  - The development proposed is a dormer cottage.
- 

### Appeal C Ref: APP/L9503/A/14/2218993

Site address: Plot 3, The Old Turkey Factory, Blockett Lane, Little Haven,  
Haverfordwest, SA62 3UH

**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 1990 Act against a refusal to grant planning permission.
  - The appeal is made by Mr A and Mrs T Thomas against the decision of the NPA.
  - The application Ref NP/13/0462, dated 1 October 2013, was refused by notice dated 20 November 2013.
  - The development proposed is a dwelling and detached garage.
-

**Appeal D Ref: APP/L9503/A/14/2219007**

**Site address: Plot 4, The Old Turkey Factory, Blockett Lane, Little Haven, Haverfordwest, SA62 3UH**

**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 1990 Act against a refusal to grant planning permission.
  - The appeal is made by Mr I and Mrs G Hutton against the decision of the NPA.
  - The application Ref NP/13/0463, dated 1 October 2013, was refused by notice dated 20 November 2013.
  - The development proposed is a dwelling.
- 

### **Decisions**

1. Appeals A to D are dismissed.

### **Procedural and Background Matters**

2. Unilateral Undertakings<sup>1</sup> dated 17 September 2014 were completed following the closure of the Hearing. I will explain the purpose of those Undertakings in my reasoning below.
3. The NPA confirmed that:
  - a) They did not consider that the size of the proposed gardens for the dwellings on Plots 1 and 2 were too small to provide for the needs of the occupiers of those dwellings in terms of outdoor amenity space and the provision of space for washing lines, bin storage and similar requirements.
  - b) They were not seeking any financial contributions from the appellants on behalf of the Highway Authority in respect of highway improvements.
4. The NPA granted conditional planning permission for six dwellings at Blockett Farm on 28 November 2011 subject to the completion of Section 106 Agreements. Three of the dwellings are to be affordable housing. I will refer to this planning permission as the "six dwelling planning permission".

### **Land at Blockett Farm Little Haven Supplementary Planning Guidance ("the Blockett Farm SPG")**

5. I have been referred to the Blockett Farm SPG. This was Supplementary Planning Guidance to the Pembrokeshire Coast National Park Local Plan and was adopted in February 2001. It is no longer supplementary to the current development plan. NPA Officers were unable to confirm whether the Blockett Farm SPG had ever been formally revoked. I consider that some weight should be given to the Blockett Farm SPG because it forms part of the planning history for the appeal sites under consideration.
6. The Blockett Farm SPG explains, amongst other things:
  - a) That the NPA sought the removal of dereliction at Blockett Farm.

---

<sup>1</sup> Documents 5 to 8

- b) That the poultry business at Blockett Farm was owned by three separate owners.
- c) That the area proposed for housing redevelopment was in three separate ownerships. Three separate accesses to the land identified for housing are shown on Map 3 to the Blockett Farm SPG.
- d) Blockett Farm was visually prominent in views from the surrounding roads and the coastal path.
- e) The poultry farm was an extremely large complex which was redundant at the time the Blockett Farm SPG was adopted. There were approximately 17,000 square metres of ground floor space and about 30 agri-industrial buildings within the area covered by the Blockett Farm SPG.
- f) The removal of the unsightly buildings would result in valuable and significant improvements in the amenity and appearance of the area.
- g) Limited redevelopment for housing was acceptable and this included the land which is the subject of these appeals.
- h) Landscaping of the site would require careful consideration due to the site's sensitive and prominent location.

### **Policy**

- 7. The development plan for the area includes the Pembrokeshire Coast National Park Local Development Plan (the LDP). I was referred to those policies set out in the Hearing Agenda<sup>2</sup>.
- 8. I have also been referred to policy advice in Planning Policy Wales<sup>3</sup>.
- 9. The appeal sites are outside any centres identified in the LDP. Policy 7 explains that outside the identified centres development will only be permitted where it complies with one of the specified exceptions. The appellants agreed at the Hearing that they did not comply with Policy 7 and therefore their proposals are contrary to the LDP. However, the NPA agree that the planning history of the site and the adjoining lands is significantly important in this case and they raise no objection to the principle of residential development on the appeal sites.
- 10. I was also referred to:
  - a) The Landscape Character Assessment for Area 12 – St. Bride's Bay as set out in the Landscape Character Assessment Supplementary Planning Guidance. The visual and sensory aspects of this area are evaluated as being high to outstanding.
  - b) The Affordable Housing Supplementary Planning Guidance (the Affordable Housing SPG) which became effective on 1 July 2014.

### **Main Issues**

- 11. I consider the main issues in this case are:

---

<sup>2</sup> Paragraph 1(a) of Document 4

<sup>3</sup> Paragraph 1(b) of Document 4

- a) The effect of the proposals on the character and appearance of the area having particular regard to the proposed access point, the development on Plots 1 and 2 and the design of the dwelling house on Plot 3.
- b) Whether the appeal proposals provide affordable housing in accordance with the LDP as augmented by the Affordable Housing SPG.

## **Character and appearance issue**

### Access

12. The LDP explains that:

- a) The special qualities of the National Park will be protected and enhanced. To achieve this, the priorities will be to ensure that the sense of remoteness and tranquillity is not lost and is wherever possible enhanced and that the pattern and diversity of the landscape is protected and enhanced.
- b) Development will not be permitted where this would adversely affect the qualities and special character of the National Park by causing significant visual intrusion; being insensitively or unsympathetically sited within the landscape; failing to harmonise with, or enhance, the landform and character of the National Park and/or losing, or failing to incorporate, important traditional features.
- c) Development will not be permitted where it has an unacceptable impact on amenity, particularly where the development is of a scale incompatible with its surroundings or is visually intrusive.

13. Blockett Lane is a single track road with informal passing places. On each side of the road are high banks containing trees and hedgerows. I will refer to this type of embankment as "Pembrokeshire hedgerows". The Pembrokeshire hedgerows on both sides of Blockett Lane create a very rural character for the area.

14. There is an access (described as a private road) leading to Blockett Farm. I was advised that this would be utilised if the six dwelling planning permission is implemented in its proposed form.

15. Two dwellings have been built on the land to the south of the combined appeal sites in accordance with the Blockett Farm SPG. Currently the driveway from Blockett Lane to those houses abuts an access to the former turkey farm complex. The result is a very wide access that is out of character with other access points to dwellings off Blockett Lane which tend to be much narrower. For the sake of brevity I will refer to the combined access described above as "the Existing Access". Further, the traditional Pembrokeshire hedgerows also described above do not exist in the same form as along other parts of Blockett Lane close to the Existing Access. Whilst there is an embankment its shape is much shallower than along other parts of Blockett Lane. Further, rather than hedgerows and trees within the embankment there is just grass and scrub. In summary, the Existing Access and the embankment to the north of the Existing Access have a seriously detrimental impact on the rural character and appearance of Blockett Lane.

16. The proposal would create a new access point through the degraded part of the embankment to the north of the Existing Access. The new access would create a driveway into the site which would be about 10m in width. However, it is proposed to introduce new quality landscaping to the rear of the visibility splays for the new access and this would, in my opinion, provide a clear opportunity for the reinstatement of

embankments which would be far more representative of the Pembrokeshire hedgerows that exist along other parts of Blockett Lane.

17. Further still, the proposal would result in the partial closure of the Existing Access with new landscaping being planted along the southern side and rear boundaries of Plot 1 and the incorporation of that part of the existing access within the curtilage of the house proposed on Plot 1. This would significantly benefit the appearance of this part of the combined appeal sites as seen from Blockett Lane by the removal of significant areas of concrete hardstanding which forms part of the Existing Access.
18. I enquired why the appeal sites could not be accessed via the access proposed by the six dwelling planning permission. I understand that the owners of that site are not willing to allow access through their site to the four appeal sites that are before me.
19. I therefore conclude that the proposal, in terms of creating a driveway through the existing embankment would not, because of the proposed replacement landscaping, create any harm to the character or appearance of the area. On the contrary, the proposed access and resulting landscaping would benefit the area's character and appearance.

#### *Cramped Appearance – Plots 1 and 2*

20. The LDP explains that all development will be expected to demonstrate an integrated approach to design and construction and will be required to be well designed in terms of place and local distinctiveness.
21. The NPA are concerned that the dwellings on Plots 1 and 2 would look cramped because of the limited amount of garden space that is proposed around those dwellings.
22. I do not share that concern. I explained at the Hearing that, in my assessment, cramped development tends to occur when buildings are sited too closely together. I was not referred to any buildings that would be sited too close to either an existing or proposed building as a result of these proposals.
23. I am aware that the properties on Plots 3 and 4 would have significantly larger areas of space around the buildings than would be the case for Plots 1 and 2. However, I was not provided with any evidence that dwellings in the open countryside in this part of Pembrokeshire had characteristically large gardens.
24. The appellants explained that the proposals had been designed by a local architect who was familiar with properties in this part of Pembrokeshire. The purpose of siting two smaller cottages at the entrance to the appeal sites was to create an attractive entry point which explained to passers-by and visitors that they were leaving open countryside and entering a site where there was a small cluster of houses. The proposed design of the houses on Plots 1 and 2 would successfully avoid the appearance of an urban housing estate within the open countryside.
25. In summary, the proposed quality, design and appearance of the cottages on Plots 1 and 2 together with the level of landscaping proposed around those properties would ensure that this part of the development avoided any material harm to the character and appearance of the area.
26. Accordingly, for the reasons explained above, I conclude that the dwellings on Plots 1 and 2 would not have a cramped appearance and they would not harm the character or appearance of the site or the surroundings.

*The design of the dwelling house on Plot 3*

27. The architect's approach was to create a dwelling that looked like it resulted from the conversion of two barns. I am aware that barn conversion developments are commonly found in this part of Pembrokeshire. I know that this dwelling would be seen in the context of the more traditional looking dwellings on the other three plots. Further, it would also be seen from some viewpoints against the background of the dwelling house which I was informed was called Chapman House (one of the two dwellings on the site to the south of the combined appeal sites) which is sited on higher ground. Chapman House has the appearance of a modern contemporary dwelling which utilises a considerable amount of glass in its design.
28. The house on Plot 3 comprises two distinct parts. Both would be sited on land that is at a higher level than the carriageway of Blockett Lane. One part would directly face the internal road. It would be built of random stone under a slate roof with timber framed windows. For ease of reference I will refer to this part of the proposed dwelling as "the Stone Building". The other part of the proposed dwelling would be sited at 90-degrees to the Stone Building with one to its side elevations also facing the internal road. This second part to the dwelling would be clad in horizontal timber under a metal corrugated roof with timber windows. It would have the appearance of a Dutch Barn that had been converted to a residential dwelling. Again, for ease of reference, I will refer to this building as "the Dutch Barn". There would be a two-storey glazed link that would allow access between the Stone Building and the Dutch Barn.
29. The NPA do not consider that the juxtaposition of the Stone Building and the Dutch Barn is acceptable particularly the fact that the Dutch Barn would be sited forward of the front elevation of the Stone Building. I do not share that concern. I agree with the NPA that the Dutch Barn would be prominent as people entered the proposed group of houses from the access road or as people passed the junction of the access road with Blockett Lane. However, the Dutch Barn would not be an unattractive building. Further, the Stone Building would be prominent when using the other parts of the access road.
30. I agree with the NPA that the Dutch Barn would not be subordinate to the Stone Building. However, I do not consider that issue causes any harm as the Dutch Barn would not detract from the appearance of the Stone Building – they are, in visual terms, both equally important parts of the proposed dwelling.
31. I have also given consideration to the extent of the fenestration in both parts of the proposed dwelling on Plot 3 when viewed from the access road. Again I see no objection to that. Chapman House (the nearest dwelling to Plot 3) has an extensive area of glazing in the elevation directly facing Plot 3. Therefore, I do not consider that the extent of the fenestration for the proposed Plot 3 dwelling would be unacceptable especially in the context of the development at Chapman House.
32. I am also aware that the NPA object to the glazed link which connects the Stone Building with the Dutch Barn. However, I also noted at the site visit that Chapman House has a much larger two-storey glazed link which connects two parts of that dwelling house. The proposed glazed link at Plot 3 is far more modest than that permitted at Chapman House and would not result in any harm to the character or appearance of the proposed dwelling.

33. I do not consider that the variety of materials proposed to be used within the dwelling house on Plot 3 would be unacceptable. I have no doubt that the proposal would blend in with the built development that is proposed nearby or that permitted to the south.

**Conclusions on the First Issue**

34. For the reasons explained above I do not consider that any material harm to the character or appearance of the site or the surroundings would result from the proposed developments.

**Affordable housing issue**

35. It was agreed at the Hearing that:

- a) There is a local housing need within the administrative area of the NPA.
- b) The Affordable Housing SPG had superseded the Affordable Housing Supplementary Planning Guidance adopted on 30 March 2011 and the Technical Update of April 2013.

36. The LDP explains that to deliver affordable housing the NPA will as part of the overall housing provision:

- a) Prioritise affordable housing provision in countryside locations. The NPA will seek 50% affordable housing to meet identified needs in developments of two or more residential units.
- b) A commuted sum will be sought to help with the delivery of affordable housing on proposals for single residential units.
- c) Where a planning application is received for a site below the affordable housing threshold i.e. two or more residential units but which is part of a larger site which is above the threshold then the NPA will expect affordable housing to be provided. This is to ensure that sites are not broken up into smaller portions and phased which would avoid the requirement for affordable housing.

37. The Affordable Housing SPG has been the subject of consultation with key stakeholders and will be the subject of consultation with the public in due course. It was adopted by the NPA for development management purposes in the interests of improving the delivery of affordable housing.

38. The Affordable Housing SPG explains, amongst other things, that:

- a) There is a need for affordable housing that equates to between 60 and 100 households per year between 2006 and 2021.
- b) Affordable housing needs within the National Park are not being met.
- c) The mean average salary for those living in Pembrokeshire is almost £3,000 per year lower than in Wales generally.
- d) There are various ways of providing affordable housing.

39. I was informed that the percentage of affordable housing units now sought in the St. Bride's Bay area (where the appeal sites are located) has been reduced from 50% to 30%. In this case, if the four appeal sites are treated as a single site, then there would be a requirement for one affordable housing unit.



How should the four appeal sites be treated?

40. I am advised that the larger area of land which comprises the four appeal sites was purchased in 2008. The site was sub-divided into four separate ownerships in January 2010. The owners of the four appeal sites are related to one another.
41. The four appeal sites have not been subdivided off from each other or used separately from one another. They appear to have remained unused whilst awaiting planning permission for their redevelopment. Historically, the larger area of land which comprises the four appeal sites was one of areas of land which were in separate ownerships when the Blockett Farm SPG was formulated.
42. I was advised that the appellants want to carry out the proposed developments so that they can live close to one another because of their family connections.
43. I therefore consider that the four appeal sites should be treated as a single site for the purpose of applying the LDP's affordable housing policy and a single dwelling should be provided as part of the overall development. That is not being proposed and therefore the proposals do not accord with the relevant parts of the LDP as supplemented by the Affordable Housing SPG.

Economic Viability

44. The Affordable Housing SPG explains that:

- a) Where it is proven that the development of affordable housing is not viable the NPA will discuss the potential opportunity for the developer to contribute fully serviced building plots which might subsequently be developed by Registered Social Landlords or by persons on the affordable housing waiting list as self-build projects.

My Comment: It was suggested at the Hearing that Registered Social Landlords would not want to develop a single plot in an isolated location such as at the appeal sites. There was no evidence before me that this was the case. Further, Mr Thomas did say in passing that he thought there was sufficient room within the appeal sites to provide a plot of land suitable for affordable housing. From my assessment of the plans for the development of the four sites it appears to be that there could be an opportunity for the appellants to provide a self-build plot.

- b) Economic viability is of utmost importance in the delivery of housing and affordable housing in the National Park.
- c) The NPA recognises that economic viability is a key factor in delivering affordable housing. According, the NPA will adopt a positive approach to negotiations to consider viability issues.
- d) The NPA will be flexible when considering viability.
- e) Judgements about viability can only be made by the NPA on the basis of full and robust development proposals. Therefore, it is important that these are provided up front and in all circumstances.
- f) This process will include a thorough appraisal of the scheme's economics and will require co-operation and an open book approach between developers and the NPA.
- g) The NPA will use the Wales Development Appraisal Toolkit (WDAT) as a means of dispute resolution. Should both parties continue to be in disagreement the viability

assessment will be referred to an independent assessor familiar with WDAT and its principles.

45. In this case the appellants submitted economic viability evidence at the appeal stage. As far as I am aware there were no meetings between the appellants' representative on this issue of viability and the NPA's Officer responsible for dealing with issues regarding the economic viability of residential developments. Whilst the NPA had the appellant's evidence it was clear from the discussions at the Hearing that many of the issues raised in that economic viability study required further information to be made available to the NPA.
46. The appeal schemes are not being pursued as speculative developments aimed at achieving developer profits. They are submitted so that the Mr and Mrs Thomas and their children (including their families) can all live in close proximity to one another. Accordingly, I do not consider this is a case where the economic viability of the scheme is of paramount importance – what is vital to all of the appellants is that planning permission is granted so that they can live together as a family group. The fact that another dwelling may be built close to or within that family group would not undermine the objective of creating a group of houses to be occupied by Mr & Mrs Thomas and their children.
47. Clearly, if one of the proposed four plots had to be used as affordable housing then this aim could not be fully achieved. However, there is no evidence before me that a scheme for a larger number of houses that could accommodate the appellants and provide a plot for affordable housing could not be achieved on the larger area of land comprising the four appeal sites. In my judgement that could be achieved. How the affordable housing unit would be developed is a matter for negotiation between the appellants and the NPA. This could not be achieved through the planning appeal process given the constraints explained above.

#### Other Matters relating to affordable housing

48. There was discussion at the Hearing regarding Unilateral Undertakings which were subsequently submitted by the appellants. These Unilateral Undertakings specified the payment of £20,000 in total towards the provision of affordable housing. This sum does not represent the full amount that would be payable if the proposals genuinely fell within the definition of single dwellings on individual plots. I have explained above why I do not consider that to be the case.
49. The total sum of £20,000 was a gesture by the appellants to assist affordable housing in the area. At the application stage I was advised that a total sum of £106,000 was offered by the appellants which reflected the correct payment under the terms of the Supplementary Planning Guidance for Affordable Housing that applied at that time. Whilst the Supplementary Planning Guidance has been updated the sum of money payable under the Affordable Housing SPG remains at £106,000.
50. Even if I was satisfied that the affordable housing issue could be resolved by the payment of monies the Unilateral Undertakings submitted are not fit for that purpose because:
- a) Within the Unilateral Undertakings it refers to the NPA's Supplementary Planning Guidance on Affordable Housing adopted on 30 March 2011 whereas, as explained earlier in these Appeal Decisions, the relevant Supplementary Planning Guidance is the Affordable Housing SPG adopted in July 2014.

b) The wording in the "Interpretation" Section of "Planning Permission" is incorrect **as** it refers to planning permissions to be granted by the NPA whereas any permission granted as a result of these appeals would be from an Inspector appointed by the Welsh Ministers rather than the NPA.

51. I have also had full regard to the various matters raised by the appellants regarding the extraordinary costs that would arise if the appeal sites are developed in accordance with the appeal proposals. Whilst I understand those costs these are matters which should be fully explored with the NPA as explained in the Affordable Housing SPG.

#### Conclusions on the Affordable Housing Issue

52. I therefore conclude, for the reasons explained above, that the appeal proposals fail to provide affordable housing in accordance with the requirements of the LDP and as augmented by the Affordable Housing SPG.

#### **Overall Conclusions – Appeals A to D**

53. I have explained above that I do not find any harm arising to the character and appearance of the appeal sites or the surrounding area as a result of the proposals. However, the determining issue is the failure to provide affordable housing in accordance with the provisions of the LDP as augmented by the Affordable Housing SPG.

#### **Other Matters**

54. The NPA agreed that the proposals would not increase flooding risks in Blockett Lane subject to compliance with relevant conditions.

55. Further, I noted that the wall referred to by some interested parties had been removed.

56. Neither of these other matters changes my overall conclusions on these four appeals.

*Tim Belcher*

**Inspector**

## **APPEARANCES**

### **FOR THE APPELLANTS**

Andrew Vaughan-Harries - Director of Hayston Developments & Planning Limited BSc (Hons), DipTP, MRTPI

Sian Thomas - Hayston Developments & Planning Limited

Nick Cox - Director of RHL Architectural Design Solutions Limited. HNC Civil Engineering Studies, Domestic Energy Assessor & Code for Sustainable Homes Assessor

Ian Hutton - Appellant

Gemma Hutton - Appellant

Anthony V Thomas - Appellant

Nicola Davies - Appellant

### **FOR PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY**

Liam Jones BSc(Hons), MSc, MRTPI - Principal Planning Officer

Matt Dash BSc, MPlan - Planning Assistant

Sian Davies BA(Hons), MSc - Planning Assistant

Phil Barton - Research & Sustainability Officer

## **DOCUMENTS**

Document 1 - Blockett Farm Supplementary Planning Guidance.

Document 2 - Historic Photograph of Blockett Farm and its poultry sheds.

Document 3 - Plan showing settlement boundary for Little Haven.

Document 4 - Hearing Agenda.

Document 5 - Unilateral Undertaking dated 17 September 2014 - Plot 1.

Document 6 - Unilateral Undertaking dated 17 September 2014 - Plot 2.

Document 7 - Unilateral Undertaking dated 17 September 2014 - Plot 3.

Document 8 - Unilateral Undertaking dated 17 September 2014 - Plot 4.

Document 9 - Section 106 Agreement dated 21 November 2011 - Land at Blockett Farm, Little Haven - Pembrokeshire Coast National Park Authority (1) Christopher John Baggs & Karen Denise Trainor (2) Pembrokeshire County Council (3).

Document 10 - Title Plan for Registered Title CYM393273.

Document 11 - Title Plan for Registered Title CYM393321.

Document 12 - Title Plan for Registered Title CYM585413.

Document 13 – Title Plan for Registered Title CYM398646.



---

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/10/14

gan **A D Poulter B Arch RIBA**

**Arolygydd a benodir gan Weinidogion Cymru**

Dyddiad: 7 Tachwedd 2014

## Appeal Decision

Site visit made on 13/10/14

by **A D Poulter B Arch RIBA**

**an Inspector appointed by the Welsh Ministers**

Date: 7 November 2014

---

**Appeal Ref: APP/L9503/A/14/2223407**

**Site address: The Cheese House, Pen y Cwm, Haverfordwest, SA62 6BA.**

**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 Jonathan Heron against the decision of the Pembrokeshire Coast National Park Authority.
- The application Ref NP/14/0013, dated 8 January 2014, was refused by notice dated 20 March 2014.
- The development proposed is described on the application form as *'installation of 16 solar panels in 4 rows on field adjacent to cottage, change of use of field to residential curtilage, and retrospective engineering works to alter ground levels, section 106 agreement to control use of land'*.

---

### Procedural Matter

1. Notwithstanding the description above, the application was not accompanied by any Section 106 undertaking or agreement. The site of the proposed solar panels has been levelled, edged in timber and surfaced with gravel. To this extent the application is retrospective, but the proposed development as a whole remains to be completed. The works that have been carried out are relatively simple and small scale. Whilst they may meet the definition of engineering works they do not have the character generally associated with this term. The description of the development includes a reference to *'change of use of field to residential curtilage'*. However, the *'red line'* boundary is drawn tightly around the proposed array of 16 solar panels and a small narrow path leading to it. The Authority has considered the application on the basis that the proposed development relates only to the small part of the field within the red-line area and I agree that this is the correct approach. Furthermore, there is no dispute that no other form of use or development normally associated with a residential curtilage is intended or should be permitted.
2. In the interests of clarity and consistency with the application plans and particulars, I consider for these reasons that it would be more appropriate to describe the proposed development as: *'installation of 16 solar panels in 4 rows on the part of the field within the red line boundary shown on the application plans, and ancillary works including works to alter ground levels in that area'*. I have therefore considered the appeal on this basis.

## Decision

3. The appeal is allowed and planning permission is granted for the installation of 16 solar panels in 4 rows on the part of the field within the red line boundary shown on the application plans, and ancillary works including works to alter ground levels in that area, in accordance with the terms of the application, Ref NP/14/0013, dated 8 January 2014, and the plans submitted with it, subject to the following conditions:
- 1) The development shall be carried out in accordance with the following approved plans: BP278/2/1; BP278/2/2; BP278/2/3; and BP278/2/4. In accordance with those plans, the site shall only be used for the siting of and access to the proposed solar panels and ancillary equipment, and not for any other purpose ancillary to the residential use of The Cheese House or other residential property.
  - 2) Notice in writing of the date of the first export of electricity shall be provided to the local planning authority within 3 months of the date of the first export. The use for the siting of solar panels shall be discontinued, and the panels and any associated works and equipment (including supports and above-ground cabling) shall be removed from the land within 25 years from the date of the first export, or within six months of the cessation of the export of electricity from the proposed installation, whichever is the sooner. The land shall be restored to its condition before the development took place within 3 months from the date of the removal of the solar panels and equipment in accordance with this condition.
  - 3) The solar panels hereby approved shall not be installed until a landscape scheme has been submitted to and approved in writing by the local planning authority and the approved scheme shall be carried out as approved. The scheme shall include details of hedgerows to be retained during the lifetime of the proposed development, and measures for their protection during the construction and operational phases of the proposed development. Any hedgerows identified as being retained that die, are removed, or become seriously damaged or diseased during the construction or operational phases of the proposed development shall be replaced in the next planting season with hedgerows containing plants of similar size and species, unless the local planning authority gives written approval to any variation.

## The Main Issue

4. This is the effect of the proposed development on the character and appearance of the area, with particular regard to the natural beauty of the Pembrokeshire Coast National Park, and its special qualities.

## Reasons

5. The site of the proposed development is a small area of land within a field close to a residential property known as The Cheese House. Although there are other houses in the vicinity the surrounding area is rural in character. The relevant field is largely bounded by substantial hedgerows. The Cheese House and the nearby 'West Barn' (which is in the same ownership) both have a number of solar panels on their roofs.
6. The proposed solar panels would be mounted close to the ground. I saw at my inspection that they would be well screened by hedgerows from nearby public viewpoints and from other residential properties in the vicinity. The slight depression formed by the levelling of the land would also help to reduce their visual impact. They

would occupy only a small part of the field and would have an insignificant impact on views from the wider area.

7. I consider for these reasons that the proposed development would have little effect on the rural character or appearance of the area, its natural beauty, or the special qualities of the National Park. On the other hand, the proposed solar panels would usefully generate electricity from a sustainable resource, albeit on a small scale. I therefore conclude that the balance of environmental considerations is in favour of the proposed development.
8. Policy 33 of the *Pembrokeshire Coast National Park Local Development Plan (LDP)* provides positive support for renewable energy proposals which take account of the special qualities of the Park. Further guidance is provided in the Authority's Supplementary Planning Guidance (SPG) entitled *Sustainable Design*, which views solar panels as a potentially appropriate renewable energy resource. In particular, LDP Policy 33 supports small-scale renewable energy schemes, subject to there being no over-riding environmental or amenity considerations. In this instance, as the proposed panels would be carefully sited to minimise their visual impact, and would have little effect on the rural character or appearance of the area, its natural beauty, or the special qualities of the National Park, I see no overriding environmental or amenity considerations.
9. I conclude that the proposed development would not conflict with policies to protect the character and appearance of the countryside, the natural beauty of the Park, or its special qualities. It would be supported by LDP Policy 33 and the relevant SPG. I conclude that it would be consistent with the development plan for the area.
10. Some local residents object to the appearance of solar panels installed on the roof of The Cheese House and West Barn, and have suggested that if planning permission is to be granted it should be conditional on them being removed. The Design and Access Statement (DAS) that accompanied the application describes the proposal as being to remove the solar panels from the roof of The Cheese House, and to re-locate them in the field. However, it is my understanding that the panels on both properties have been installed with the benefit of permitted development rights. Exceptional circumstances sufficient to justify withdrawal of those rights have not been demonstrated. Even if they were to be removed they could be reinstalled without the need for planning permission. It would therefore not be appropriate to require their removal by condition.
11. A condition is normally imposed relating to the period within which development must start, but it is not necessary in this instance as the application is partly retrospective.
12. In condition 1, I have listed the approved plans and required that development should be carried out in accordance with them, in the interests of clarity, and to allow applications for minor material amendments to be made under section 73 of the 1990 Act. In the interests of clarity and to prevent the intrusion of unwarranted general residential paraphernalia into the countryside, I have also specified in this condition that the site shall only be used for the siting of and access to the proposed solar panels and ancillary equipment, and not for any other purpose ancillary to the residential use of The Cheese House or other residential property.
13. It is agreed that a permission should be temporary if granted, and should expire after a period of 25 years from the date of first export of electricity, or if the export of electricity ceases for more than six months. As the installation would have a limited



life and would have some unnecessary and unjustified visual impact if it ceases to export electricity these are reasonable and necessary requirements. There is also no dispute that provision should be made for the removal of the panels, the cessation of the permitted use, and the restoration of the land at the end of the permission. Condition 2 has therefore been imposed in the interests of protecting the character and appearance of the area.

14. For the same reasons, a landscaping condition is necessary and reasonable, insofar as the required scheme should identify and protect any hedgerows that should be retained for the duration of the permission. A landscape condition requiring new hedges or other planting around the proposed solar panels should not, however, be imposed, as it would not be necessary to make the proposal acceptable.
15. I conclude for the above reasons that the appeal should succeed and that planning permission should be granted, subject to the conditions that I have imposed.

*A D Poulter*

**INSPECTOR**