

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/13/0071	Change of use of Fort to Visitor Centre – St Catherines Island, Tenby
Type	Hearing
Current Position	A hearing has taken place and the Inspectors decision is awaited.
NP/13/0216	Installation of 1 x 15kw wind turbine – Trelessy Farm, Amroth
Type	Hearing
Current Position	The Appeal has been dismissed and the Inspectors decision is attached.
NP/13/0264	Section 73 Application: Variation of Condition 1 of NP/08/060 to extend the period for further five years - Burgage Green Close, St Ishmaels.
Type	Written Representation
Current Position	The Inspectors decision is awaited.
NP/13/0267	Demolition of existing dwelling and erection of two-storey dwelling with integral garages and associated landscaping, parking and boat storage areas - The Elms, Llanrhian
Type	Hearing
Current Position	The Appeal was allowed and the Inspectors decision is attached.
NP/13/0406	Sub-division to create two separate dwellings - Sunnysdene, Valley Road, Saundersfoot
Type	Hearing
Current Position	The Appeal has been dismissed and the Inspectors decision is attached
NP/13/0471	Erection of a single 10kw wind turbine measuring 20m to hub & 23.5m to blade tip, Parsonage Farm Caravan Park, Amroth.
Type:	Hearing.
Current Position:	A hearing has been arranged for 9 th July, 2014.

EC11/0117 Material change of use of land to use as 2 separate dwellings
2 Maes-y-Bont, Mynachlogddu

Type Written Representations

Current Position The Appeal has been dismissed and the Inspectors decision is
attached.



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 05/03/14
Ymweliad â safle a wnaed ar 05/03/14

gan **James Ellis LLB (Hons) Cyfreithiwr**
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: **3 Ebrill 2014**

Appeal Decision

Hearing held on 05/03/14
Site visit made on 05/03/14

by **James Ellis LLB (Hons) Solicitor**
an Inspector appointed by the Welsh Ministers
Date: **3 April 2014**

Appeal Ref: APP/L9503/A/13/2207758

Site address: Trelessy Farm, Amroth, Narberth, Pembrokeshire, SA67 8PT

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 R Lawrence against the decision of the Pembrokeshire Coast National Park Authority ("the Authority").
 - The application Ref NP/13/0216, dated 14 May 2013, was refused by notice dated 6 September 2013.
 - The development proposed is the erection of a single wind turbine (225kw: 44.55m blade tip height: 30m hub height).
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Authority's second reason for refusing the application referred to insufficient information being submitted in relation to the ground stability of the site, potential impacts on existing biodiversity levels, and the archaeological interest of the site and the surrounding area. However, at the hearing, the Authority confirmed that following consideration of additional information provided by the appellant, it now had no outstanding concerns in relation to ground stability of the site and the archaeological interest of the site and the surrounding area. I shall therefore proceed to make my determination on this basis.

Main Issues

3. The main issues are therefore: the effect of the proposal on the character and appearance of the area; and the effect of the proposal on biodiversity.

Reasons

4. The application site comprises part of an agricultural field which lies in open countryside to the south-east of the Trelessy Farm complex. The site is within the Pembrokeshire Coast National Park, close to its eastern boundary. The area is rural in character with rolling hills bounding wooded valleys to the south and east of the appeal site which lead down towards the coast. There is development some distance to the north of the site at Llanteglos and Llanteg Park but this is just outside the National Park. There is also existing development at Amroth (within the National Park) to the south-west of the appeal site on the coast.
5. The proposal is for a single 'medium scale' 225kw wind turbine which would measure 30m in height to hub and 44.5m in height to blade tip. The turbine would be mounted on a new concrete plinth with a grasscrete surround and access track. The new access track would join an existing farm track which runs around the eastern and northern boundaries of the field. The cable route would run directly to the north-western corner of the field and follow the existing farm track to a connection point within the farm yard.
6. In terms of planning policy and guidance, national guidance in respect of renewable energy is set out in Planning Policy Wales: Edition 6 ("PPW"), published in February 2014 and Technical Advice Note 8: Planning for Renewable Energy ("TAN 8"). Paragraph 8.4 of Annex D to TAN 8 states that: 'There is an implicit objective in TAN 8 to maintain the integrity of and quality of the landscape within the National Parks / AONBs of Wales i.e. no change in landscape character from wind turbine development'. This is followed by policies contained in the Pembrokeshire Coast National Park Local Development Plan ("the LDP"), adopted in 2010.

Effect of the proposal on the character and appearance of the area

7. A Landscape and Visual Appraisal ("the LVA") was submitted with the application. This assessed both the individual and cumulative impact of the proposal on the existing landscape character and appearance of the area. The LVA includes a detailed methodology which explains how it was conducted in accordance with recognised practice.

Landscape character

8. In terms of the effect of the proposal on landscape character, the LVA identified some 13 LANDMAP landscape character areas within a 10km radius of the appeal site. In some cases the significance of the effects of the turbine on the landscape character of the area and its cumulative effects was considered to be Minor or Moderate-Minor. However, the proposal's effect on the Marros-Pendine Coastal Valleys area was considered to be Major-Moderate and its effect on the Summerhill, Saundersfoot Bay, Giltar Point, North Beach and Tenby areas was given as Moderate. The proposal's cumulative effect was said to be Moderate for the Summerhill area.
9. However, the Authority's Renewable Energy Supplemental Planning Guidance ("the RESPG"), adopted in 2011, specifically refers to the sensitivity of Landscape Character Areas ("LCAs"), based on the Authority's Landscape Character Assessment Supplemental Planning Guidance ("the LCASPG"), to each class of turbine height. The LCAs of the LCASPG have been based on LANDMAP methodology and I give due weight to this. Notwithstanding the contents of the LVA, which will be borne in mind by me, I consider it appropriate to assess the proposal against the RESPG.

10. The LCA for the appeal site is LCA 1 – Saundersfoot Settled Coast. This LCA is described in the LCASPG as: 'the easternmost section of the National Park, running northwards from the northern outskirts of Tenby, through Saundersfoot, then north-eastwards through Wiseman's Bridge, Pleasant valley, Summerhill and Amroth to the eastern boundary of the National Park. Although quite densely settled, the rolling landform with small river valleys running to the coast and the amount of woodland cover and intervening agricultural land mean that the built form is not generally intrusive.'
11. The RESPG says that LCA 1 has a Moderate-High sensitivity to medium size turbines. An overview of sensitivity for LCA 1 states that: 'The area is already densely settled, and this indicates that this is landscape already affected by human impact and could therefore, in theory, accommodate additional built elements. However, the prominent undeveloped skylines, relative sense of tranquillity away from urban areas, the area's rich archaeology, and open views along the coast indicate that this landscape would be sensitive to wind turbine development'.
12. The RESPG goes on to identify 'The prominent undeveloped skylines, especially as viewed from the coast' as a key sensitivity to any scale of wind turbine development within LCA 1. Guidance in the RESPG includes: 'Locate any wind energy developments away from the most prominent rural skylines and consider the impact of tracks and ancillary buildings. There may be some opportunity for single or small clusters of small scale wind turbines within or on the edges of existing urban areas' and 'consider the open views along the coast when siting any wind turbines'.
13. As I saw on my site visit, although LCA 1 does contain development this is not generally intrusive. There are also attractive and peaceful areas of open countryside, with farmland and patches of woodland, between the developed areas. A considerable part of the area, including the vicinity of the appeal site, therefore has a decidedly rural character. There is a rolling landform which gives rise to prominent skylines which remain largely free of development. Valleys drop down to the coast and there are strong visual links to the coast along Saundersfoot Bay. Although wind turbines and, indeed power lines, can be seen from within LCA 1, they are not, in my view, features that are a defining characteristic of the landscape of the area.
14. The proposal would introduce a tall (much taller than existing buildings at Trelessy Farm), metallic and moving structure into a rural part of LCA 1, some distance away from an urban settlement. It would therefore be very much out of context with the rural landscape around it. Moreover, in my view, it would constitute substantive development that would rise above a prominent skyline that is largely undeveloped. This would again set the proposal apart as an incongruous feature that would not harmonise with the landscape around it. I consider that the detrimental effects of the proposal on the landscape character of LCA 1 would extend well beyond its immediate environs, given its prominence from a number of viewpoints as described below when I deal with the appearance of the area.
15. After having regard to all the above, and whilst I have noted the contents of the LVA, I find that the proposal, individually, would result in significant harm to the landscape character of the area contrary to guidance in the RESPG.

16. I will now turn to the cumulative impact of the proposal. Although other wind turbines, such as those at Parc Cynog, can be seen from within LCA 1, I have found that they are not a defining characteristic of the landscape of the area. In my view, the proposal, if it were to be introduced, would not change this. I consider that it would not be in conflict with the objectives of the Authority's Supplementary Planning Guidance on the Cumulative Impact of Wind Turbines on Landscape and Visual Amenity ("the CIWTSPG"), adopted in December 2013. I therefore find that the proposal would not take the total amount of wind turbine development in the area to a level that would bring about additional harm to the landscape character of the area over and above that which the proposal, individually, would bring.

Appearance

17. The LVA referred to some 9 viewpoints¹ ("VPs") and I visited some 7 of these on my site visit, namely VPs 2, 3, 4, 5, 7, 8 and 9. I did not visit VP 1 as the principal parties were in agreement that the proposal would not be seen from there, and access to VP 6 was difficult to obtain. However, I had views towards the appeal site from the beach at Wiseman's Bridge. This is much closer to the appeal site than VP6 but views towards it are similar in terms of what can be seen. I also had views towards the site from the beach at Amroth and from Llanteg Park. VPs 2 and 5 are just outside the National Park but are both located on 'gateway' routes into it from the east. There are views towards the National Park from these VPs and, to my mind, they form part of its setting.
18. The LVA suggests that in terms of the immediate area, the significance of the visual effects of the proposal would be Major when seen from VP4 where the receptor type and sensitivity is high, Major-Moderate when seen from VP5 where receptor type and sensitivity is again high, Major-Moderate when seen from VP3 where receptor type and sensitivity is medium, and Moderate when seen from VP2 where receptor type and sensitivity is low.
19. From VPs 3 and 5, I consider that the turbine would be identified as a prominent feature rising high above the skyline and respectively, the farm and the countryside. When seen from VP4, the turbine would again be seen to be a prominent feature, set some distance away from, and out of context with, the farm complex for which it would provide electricity. From VP2, the hub and blades of the turbine would be visible above the undeveloped skyline on the brow of the hill, albeit that it would be of similar height as trees to the left. From all these viewpoints, blade movement would draw the eye, thus accentuating the prominence of the proposed turbine. Although the LVA suggests that receptor type and sensitivity at VP2 is low, I am not convinced that this is the case. The road through Llanteglos is a 'gateway' route into the Park and, in my view the roads in the vicinity of VP2 are likely to be used by walkers, as well as persons in vehicles, given the public rights of way network in the area. Moreover, at the time of my site visit, there were clear views (over low hedgerows) towards the appeal site from a length of road.

¹ The VPs are: 1 – Landsker Borderlands Trail, E of Blaengilcoed Farm; 2- Llanteglos Crossroads; 3 – Highway SW of Parsonage Farm; 4 – PROW, E of Trelessy Farm; 5 – Highway, E of Amroth; 6 – Coastal Path, Coppet Hall Point; 7 – Saundersfoot Beach Car Park; 8 – Coastal Path, Monkstone Point, and 9 – Castle Hill, Tenby.

20. The proposed turbine would also be seen from stretches of coastline to the west of Amroth, particularly at low tides. On my site visit, I had some difficulty in assessing whether or not the turbine would be visible from the beach at Amroth, but the evidence before me suggests that the upper part of the hub and the blades would be visible on the skyline when seen from the beach at Wiseman's Bridge. There is some existing development along the coastline which would be seen in views towards the proposal. However, the turbine would be set apart from the pockets of development and read against either a backdrop of agricultural land or a skyline.
21. With regard to VPs 2 to 5, I find that the scale of the proposal would be such that it would constitute an intrusive feature when seen in views, with an attendant significant detrimental impact on the existing rural landscape character of the area. Blade movement would accentuate that impact. Moreover, the turbine would be readily seen above a prominent rural skyline when seen from some viewpoints, including those on the coast, such as the beach at Wiseman's Bridge. In my opinion, this would have a material adverse impact on views along the coast, contrary to guidance in the RESPG.
22. I therefore find that, from a variety of viewpoints, the proposal would be seen as prominent feature on a rural skyline and that it would have an adverse impact on views along the coast. I therefore conclude that the proposal, individually, would result in significant harm to the appearance of the area.
23. I will now look at the cumulative impact of the proposal. When the eastwards sweep of the coast is seen from VP6, the proposal would be the only perceptible turbine. However, from VPs 7 to 9 the proposal would be viewed with other turbines but seen to be some distance away from them. Given the distances of the turbines from these viewpoints, I do not consider that they are read as dominant features in the views. In my opinion, the proposal would result in a small incremental increase in the wind turbines that would be visible from the viewpoints, but would not lead to an unacceptable cumulative impact. I again consider that the proposal would not conflict with the objectives of the CIWTSPG. I therefore find that the cumulative impact of the proposal would not result in any additional harm to the appearance of the area over and above that which I have found in respect of its individual impact.
24. The proposal would be seen from a number of residential properties, for example houses at Llanteg Park, but given the distances from these properties to the proposal I do not consider that the proposal would have a significant adverse impact on the outlook enjoyed by the occupiers of those properties. However, that does not make the proposal acceptable.

Conclusion – character and appearance

25. I have concluded that the proposal would result in significant harm to the character and to the appearance of the area. There is a 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 the harm to the character and appearance of the area that would result from the proposal to be an over-riding environmental consideration. This brings the proposal into conflict with Policy 33 of the LDP which is concerned with renewable energy and states that: 'Small scale renewable energy schemes will be considered favourably, subject to there being no over-riding environmental and amenity considerations. Medium scale schemes also offer some potential and will be permitted subject to the same considerations'. It would also bring the proposal into conflict with Policies 1, 8, and 15 of the LDP which seek to protect and enhance the special qualities of the National Park and ensure that development does not adversely affect the landscape of the National Park.

Biodiversity

26. The Authority has raised a number of concerns in connection with biodiversity. First of all, the reliability of the Ecological Impact Assessment submitted with the application is questioned in that the position of the turbine has been incorrectly plotted on maps attached to the Assessment. The appellant argues that this is a mapping error. This may well be so, but the information contained in the Assessment has clearly been predicated on the basis that the proposal would be in a different field to where it would actually be. For example, two hedgerows that were surveyed (A and B) are some distance from the appeal site. I note that the proposal would be over 50 metres from any hedge but, nevertheless, an accurate field survey may conceivably have produced different information. To my mind, this casts serious doubt on the reliability of the Assessment as a whole. In this particular case, the situation is compounded by the fact that the field survey was carried out more than two years before the Authority made its decision on the application.
27. It is also said that a Bat Activity Survey undertaken by the appellant's ecologist in 2011 was undertaken outside the bat activity season which runs from May to September and that further bat activity and transect surveys should be undertaken in order to provide a more up to date and complete understanding of the potential impact. However, the Assessment states (at paragraph 3.12) that a bat activity survey was undertaken on 25 September 2011, which is within the season, and that one Soprano and one Common pipistrelle bat passes were recorded. Bat activity was also recorded on all nights that an Anabat unit was recorded between 25 October and 3 November 2011 when four species (including one at high risk, and two at medium risk from turbines) were recorded.
28. However, notwithstanding the information about the time of the Bat Activity Survey, given the high degree of uncertainty over the accuracy of the Assessment as a whole, I am not satisfied that there is sufficient evidence before me to demonstrate that the proposal would not have a material adverse impact on existing biodiversity levels contrary to Policy 11 of the LDP. Accordingly, I must exercise the precautionary approach and find that the proposal is not acceptable in this regard.

Other matters

29. Other issues raised by interested parties include: safety of the public, including equestrians; noise pollution; shadow flicker impact; delivery vehicles and highway safety; the effect of the proposal on tourism; the effect of the proposal on historical remains; other more appropriate renewable technologies; and more suitable sites being available.
30. A bridleway which runs to the west and south of the appeal site would be more than 200 metres away from the proposal. In this respect, the proposal would comply with British Horse Society guidance on siting turbines next to bridleways. Consequently, I do not consider that the proposal would have an adverse impact on the safety of persons (including equestrians) or, indeed, horses. Evidence before me indicates that noise levels from the turbine would be lower than the ETSU-R-97 derived noise limits for both quiet day time and night time receptors. The Authority's Environmental Health advisors raised no objection to the proposal subject to the imposition of appropriate planning conditions concerning noise. I concur with this view. With regard to shadow flicker, no neighbouring properties are within the standard separation distance.
31. A Transportation Management Plan was submitted with the application which details the transportation route for delivery and construction vehicles, the types of vehicles and a timetable for delivery and construction. The local highway authority has raised no objection to the proposal. There is no detailed evidence before me to suggest that the proposal would have a material adverse impact on highway safety. The passing of delivery vehicles along the local highway network would cause some disturbance to local residents, but this would be short lived. A planning condition could ensure that any damage to the road network would be repaired at the expense of the developer.
32. There is no detailed evidence to indicate that the proposal would have an adverse impact on the Pembrokeshire tourism industry. An Archaeological Appraisal submitted by the appellant shows that the proposal would not have a detrimental affect on historical remains. Other more appropriate technologies and the possibility of there being more suitable sites are not material planning considerations to which I can attribute weight. Overall, I give limited weight to the points raised by interested parties.
33. There are points that have been raised in favour of the appeal. The appellant wishes to move to a more sustainable and affordable provision of energy for his farm. I am told that there has been a considerable increase in electricity and diesel costs in recent year, as well as other costs, and that these increases in costs are outstripping increases in income, with an attendant effect on viability. The only costs that the farm business can have any significant control over are energy costs and it is said that solar panels are not an option and that the provision of a wind turbine is the only realistic renewable energy solution. The proposed turbine would make a substantial contribution towards energy consumption at the farm and a wider contribution towards the reduction of carbon dioxide emissions which would be of public benefit. I am also aware that the application was made in order to overcome concerns that the Authority had in respect of a previous application for a larger turbine which was refused by it. However, in my opinion, all the points in favour of the proposal are heavily outweighed by the cogent harm to planning interests that I have found and which conflicts with development plan policy.

Conclusion

34. In reaching my decision, I have taken into account national planning policy relating to planning for renewable energy, set out in PPW and 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. In this case, I have concluded that the balance is clearly in favour of landscape protection. National planning policy also seeks to protect 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. The harm and conflict with planning policy that I have identified could not be overcome by the use of planning conditions.
35. After taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal should be dismissed.

James Ellis

Inspector

APPEARANCES

FOR THE APPELLANT:

John Matthews BSc (Hons), DipTP	Planning and Development Consultant
Richard Cole	Soltysbrewster Consulting

FOR THE LOCAL PLANNING AUTHORITY:

Richard James	Planning Officer (Development Plans), Pembrokeshire Coast National Park Authority
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INTERESTED PERSONS:

Cllr Tony Brinsden	County Councillor for Amroth, Pembrokeshire County Council
Dr Tom Bailey	Local resident
Theri Bailey	Local resident
Professor Martin Brasier BSc, PhD Lond, MA Oxon	Local resident

DOCUMENTS

- 1 E-mails dated 3 March 2014 – Dyfed Archaeology to the Authority
- 2 Exchange of e-mails and correspondence – February / March 2014 concerning the ground stability of the appeal site



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 21/02/14
Ymweliad â safle a wnaed ar 21/02/14

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11 Ebrill 2014

Appeal Decision

Hearing held on 21/02/14
Site visit made on 21/02/14

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11 April 2014

Appeal Ref: APP/L9503/A/13/2208059

Site address: The Elms, Porthgain SA62 5BH

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr C & Ms D Griffiths against the decision of Pembrokeshire Coast National Park Authority.
 - The application Ref NP/13/0267, dated 12 June 2013, was refused by notice dated 23 August 2013.
 - The development proposed is demolition of existing dwelling and erection of two-storey dwelling with integral cellar garage under and associated hard/soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of two-storey dwelling with integral cellar garage under and associated hard/soft landscaping at The Elms, Porthgain SA62 5BH in accordance with the terms of the application, Ref NP/13/0267, dated 12 June 2013, and the plans submitted with it, and as revised by drawing nos. 813.15B, 813.16A, 813.17B, subject to the conditions in the schedule below.

Procedural matter

2. Revised plans (Drawing nos. 813.15B, 813.16A, 813.17B) were submitted during the course of the planning application and were considered by the Authority, so no prejudice would arise in my dealing with this appeal on the basis of these revised plans.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is an existing single storey bungalow situated on a hill south of Porthgain and to the north-west of Llanrhian. The landform has broadly a horizontal plane and there are exposed and open views of the site and of the Pembrokeshire Coast National Park.

5. The site comprises a small collection of properties on this exposed hilltop location. The Elms the appeal property is a small white rendered cottage situated on the upper slopes of its plot. Brynheulog is a dormer style cottage also rendered and lies adjacent to The Elms. To the rear of The Elms is a complex of buildings known as Ynys Barry. The Elms has no inherent architectural quality, it is a pitched roof rectangular property with three windows facing east. The pitch of the dwelling is asymmetrical with an east/west orientation.
6. The proposed dwelling would be orientated north/south, but all elevations would include windows. The proposed dwelling would be re-located further down the slope of the plot and the area would be excavated within a range of 2.5m to 3.5m, with the spoil used to strengthen and reinforce embankments around the whole plot in the form of a Pembrokeshire hedge bank. The east elevation would have in effect three storeys with garages at the lower level.
7. Due to the proposed levels this lower tier would be largely concealed by the fall of the ground and by the hedge banks. The remainder of the proposed dwelling would in effect be two storeys, but the hedge bank would conceal most of the lower floor. The north/south facades would be predominantly glazed with a horizontal band of glass, although the south side would be broken up by stonework. The proposed roofs conjoin and overlap at the proposed ridge. The higher roof would face north and comprise a zinc lean-to. The marginally lower sedum roof would face south. At the junction of the two roofs would be a horizontal band of glazing.
8. The proposed dwelling would utilise stonework, render and oak boarding. Two glass balustrades formed by projecting balconies would extend outwardly on the north/south elevations, although these would be largely shaded by the overhanging roofs. Window frames and doors would be finished in coloured aluminium with cills utilising a slate finish.
9. The basement level of the dwelling would be set at 39.58m AOD. The existing ridge heights of The Elms and Brynheulog are 49.2m AOD. The proposed ridge height of the dwelling would be 49.36m AOD, 160mm higher than the existing property and Brynheulog. The proposed eaves level of the dwelling would be the same as the existing house. The Authority is concerned about the scale, mass and prominence of the dwelling, the extent of glazing and the effects of lighting on the special qualities and natural beauty of this coastal landscape National Park.
10. However, the scale and massing of the development would not be higher, nor would it be substantially larger, in terms of its impact on the plot largely due to the proposed levels, excavation of the ground and the re-orientation and re-location of the proposed house. The proposed structural landscaping would also assist to assimilate the development in the landform. I note the concern about the three storey elevation, but the lower east elevation would be largely hidden and only transient and partial views would be obtained of this part of the elevation near the new access point, and at the junction of the lane with the carriageway to Porthgain and Llanrhian.
11. The horizontal form of the property in relation to the proposed roof lines, glazing and balustrades would sit comfortably with the horizontal plane of the landscape. The low roof rise would result in a generally recessive building. The dark hues of the roofs would recede the massing of the building. The recessed glazing would largely be concealed with the overhanging roof. The gable treatments and form are stepped providing more interest and shadow reveal. The proposed roof design results in a less intrusive and prominent gable. Some discussion took place at the hearing in relation

to the treatment of the east elevation whereby agreement was reached that the oak boarding could be extended down this wall, so that only two treatment finishes would be viewed on this side, providing a simple and more unified appearance. The final colour of the render would also be a matter for the Authority to consider by way of a planning condition.

12. The horizontal appearance of the glazing is a design feature of this form of building. Internal lighting would be seen for some distance during winter, but the band of horizontal light due to the configuration of the windows would not be unduly intrusive in the context of a group of buildings which also emit light. It would not be reasonable to require a lighting scheme to be agreed with the Authority for the internal lighting arrangements, or for the installation of blinds, as this would be excessive and impractical. However, external lighting could be controlled and the Appellants are content for details to be agreed with the Authority.
13. I therefore consider that the proposed development would have less of an impact on the natural beauty of the area than the existing house. The pattern and diversity of the landscape would be protected as set out in local development plan (LDP) Policy 8. There would be less visual intrusion, and the intensity of the use would not be dissimilar to the current residential use, having regard to the criteria of LDP Policy 15. I consider that LDP Policies 29, 30 and 9 are met. These deal with amenity, sustainable design and light pollution.
14. I took in extensive views of the site and the area. I conclude that the proposal would not harm the character and appearance of the area, and would conserve the natural beauty of the National Park. For these reasons, I conclude that having regard to all other matters raised, including the issue of rights of access and impact on views and amenity, and having regard to other similar contemporary developments in the Park, these matters are not outweighed by my conclusions on the main issue.
15. I consider that the appeal should be allowed.

Schedule of conditions

16. I have considered the suggested list of conditions in the light of the advice contained in Circular 35/95. During the course of the hearing, agreement was reached on minor revisions to the materials on the east elevation utilising oak boarding in place of the render to harmonise and provide more unity to the appearance of the dwelling. A scheme should also be agreed for the external lighting. A planning condition should be imposed on the floor level of the dwelling to be set, as shown on the submitted plans. I agree with the Appellant that suggested condition 10 should be revised to permit the demolition of The Elms upon the occupation of the new dwelling. Suggested condition 2 is not needed since the revised plans are incorporated in the operative part of the decision. Given the sensitivity of the site, the withdrawal of permitted development for outbuildings is reasonable and necessary.
17. Agreement was reached on conditions relating to sustainable homes in line with the aspirations of planning policy. A condition requiring a photographic survey of the existing building is strictly not necessary, as the building has very limited architectural quality, and I have not been given compelling evidence of its historical significance. Conditions on landscaping and drainage are needed in the interests of the visual appearance of the area, and to safeguard against environmental pollution.
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.

- 2) The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance the requirements of the Code for Sustainable Homes: Technical Guide November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification required by Condition 4.
- 3) The construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to, the local planning authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.
- 4) Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' relating to the dwelling shall be submitted to the local planning authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes Technical Guide November 2010.
- 5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to, and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until there has been submitted to, and approved in writing by the local planning authority a scheme of landscaping and proposed external lighting scheme, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and details of the timing of installation of the lights, the number of lights, location, type, size and the luminance strength of external lighting.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping and shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 8) The dwelling hereby permitted shall not be occupied until the existing dwelling The Elms has been demolished. Works for the demolition shall take place in accordance with Section 14.00 of 'Demolition and Waste Management' of the submitted 'Statement in Support of the Application for Planning Permission' dated June 2013.
- 9) Foul and surface water discharges from the site shall be drained separately. No surface water or land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking, re-

enacting or modifying that Order), no development falling into Article 2 , Part 1, Class E shall take place other than that expressly approved by this permission.

- 11) The finished structural slab level of the lower ground floor garage, plant and stores of the dwelling hereby approved shall be 39.58m AOD, measured in accordance with the levels shown on drawing no. 813.16A dated April 2013.
- 12) The final external treatment of the materials to the east elevation of the dwelling hereby approved shall not be as shown on drawing no. 813.17B, but shall be as submitted to, in accordance with the timing for submission of condition 5, and the details shall be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Iwan Lloyd

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr Vaughan-Harries BSc Dip TP · Appellants' agent
MRTPI

Mr Haward BSc Dip Arch, MSc, Appellants' architect
MEIAT, RIBA

Mr C & Ms D Griffiths Appellants

FOR THE LOCAL PLANNING AUTHORITY:

Mr Jones BSc MSc MRTPI Principal Planning Officer

INTERESTED PERSON:

Mr Raymond Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Copies of planning permissions for replacement dwellings
2. Letter of support
3. Copies of photomontages



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 20/02/14
Ymweliad â safle a wnaed ar 20/02/14

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28 Ebrill 2014

Appeal Decision

Hearing held on 20/02/14
Site visit made on 20/02/14

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 28 April 2014

Appeal Ref: APP/L9503/A/13/2209161

Site address: Sunnydene, Valley Road, Saundersfoot SA69 9BX

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 and Mrs Don Ellis against the decision of Pembrokeshire Coast National Park Authority.
 - The application Ref NP/13/0406, dated 28 August 2013, was refused by notice dated 24 October 2013.
 - The development proposed is subdivision to create two separate dwellings at Sunnydene.
-

Decision

1. The appeal is dismissed.

Application for costs

2. At the hearing an application for costs was made by Mr and Mrs Don Ellis against Pembrokeshire Coast National Park Authority. This application is the subject of a separate decision.

Preliminary matters

3. The Appellants have submitted a unilateral undertaking providing a financial contribution towards the provision of affordable housing elsewhere. At the hearing the planning obligation was not signed or dated, and as an exception given the near completed state of the document, I allowed until the 13 March 2014 for the obligation to be completed. However, the mortgage bank that had an interest in the property had not signed the obligation and required a further clause to be inserted. The final version of the planning obligation was signed and dated and submitted on 23 April 2014. The planning obligation is considered further below.

Main issues

4. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area in relation to the form, setting and pattern of buildings in the surrounding countryside, and

- the effect of the proposal on the living conditions of existing and proposed occupiers of the appeal building and Sunnysdene in relation to amenity space, and
- whether the financial contribution towards affordable housing provision is reasonable and necessary to make the development acceptable in planning terms.

Reasons

Character and appearance

5. Sunnysdene is located on the south side of Valley Road, outside of the settlement of Saundersfoot, as defined by the Local Development Plan (LDP). On the 14 June 2012 planning permission was granted on appeal (ref: APP/L9503/A/12/2172041) for the conversion of a double garage and store into a residential annex, construction of a conservatory and new link to the original dwelling, and the replacement of a rear velux window with a dormer. Planning permission was conditioned so that the annex was not occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Sunnysdene.
6. The Appellants indicate that the planning permission granted in June 2012 was implemented, as they occupy the annex and the condition limiting the extent of the residential use is in force. The planning permission was in retrospect, as the conservatory and the dormer were built, but not the new link between Sunnysdene and the annex. The annex comprises 2 bedrooms and bathroom at first floor, lounge, dining room, kitchen, conservatory, wet-room, porch and toilet on the ground floor. The Appellants maintain that no new dwelling or building capable of separate residential occupation would be created. However, this view is not sustained as the residential use is limited and regulated by the planning condition which has a continual effect. If that point was accepted then there would be no good reason to submit a planning application and this appeal for the subdivision of the units to create two separate dwellings.
7. Sunnysdene and its annex are situated at the end of a row of properties. Between the annex and the next property along there is a small field which has the benefit of planning permission for a single dwelling house. The Appellants assert that the annex would therefore fall within infill development as set out in LDP Policy 7. The Authority indicates that the current permission would expire on 4 May 2014. The Appellants also point out that there is a mine shaft on the site of the adjoining plot which requires remedial work and some expenditure to make the development occur. The Authority indicates that permission has been granted on the site on four separate occasions, the last permission was granted in 2009.
8. If the development of the adjoining site had been constructed then the proposal would be infill, but the situation is the field is physically undeveloped, and the annex does not represent infill, since there is a gap between it and Fairfields to the west. There is no continuous built up frontage as it appears now, although that situation may change if the adjoining site is developed, but it does not comply with this element of policy at the time of this decision. Furthermore, the Authority argues the development is not sensitive infilling because it is considered as over-development.
9. The footnote of LDP Policy 7 defines rounding-off as completing or consolidating the built-up perimeter which would entail the development of no more than one or two dwellings. I do not consider that the proposal could be considered as rounding-off since it is a building at the end of the row next to an open field, it does not appear to me to physically complete or consolidate the built-up perimeter.

10. LDP Policy 7 also refers to permitting the conversion of appropriate buildings to a range of uses with affordable housing being the priority in residential conversions. The Appellants contend that no further physical alterations are necessary to the building to facilitate an independent dwelling unit. This may be the case in relation to the building, but the proposed physical separation of the units would inevitably alter the character and intensity of the use on the site, by the sub-division of the garden, the additional space needed for parking and the increased activity associated with the sub-division.
11. At present there is a four bedroom dwelling which is Sunnydene and a two bedroom annex. The proposed sub-division of the plot to create two dwellings would result in a contrived separation of the site, whereby most of the garden for Sunnydene would be at the front, which would concentrate domestic family activity and associated paraphernalia to an area facing the public road. This situation is unlike many of the houses occupying the same row, because their private gardens are generally confined to the rear. Such likely activity would be a probable consequence of the size of the main house and the confined spatial separation of the plot and its garden.
12. The proposed sub-division of the residential use of the plot would intensify the associated domestic activity of the site to a public area, and the consequent result would be two dwellings alongside each other on a considerably reduced plot to others I have seen in the area. Such change would harm the appearance and character of the area, in conflict with LDP Policy 7, and Policy 30 b), because the development is not compatible with its surroundings.
13. I conclude that the proposal would harm the character and appearance of the area in relation to the form, setting and pattern of buildings in the surrounding countryside.

Living conditions

14. The Appellants assert that Sunnydene would have an amenity space of 232m² and the annex 325m² as a result of the sub-division. Although the Authority has no numerical standard or a requirement for a minimum building ratio to plot size, in this case Sunnydene would retain a smaller garden and would be the larger property. The Appellants maintain that the existing garden is not private, although the retained garden for the annex is enclosed by a boarded fence and not as open to views as the proposed garden would be for Sunnydene.
15. The Appellants also maintain that it is for any prospective purchaser to decide what size of garden is appropriate. However, I conclude that future occupiers would expect an amenity space which has more privacy and a larger area for a family dwelling than would be the case with this proposal.
16. I have viewed other sites with small amenity spaces in the Authority area, which were put forward by the Appellants. However, these are not the same as the circumstances in relation to this case and I have decided this appeal on its individual merits.
17. I conclude that the proposal would harm the living conditions of the proposed occupiers of Sunnydene in relation to amenity space.

Affordable housing

18. The obligation meets the requirements of LDP Policy 45, providing a financial contribution towards affordable housing when the development is below 2 units. Policy 7 refers to the limited examples of permitted development in the countryside

with the priority given to meet affordable housing needs. Policy 45 and the adopted Supplementary Planning Guidance (SPG) on Affordable Housing are the means to deliver this provision.

19. The sign and dated obligation delivers the financial contribution towards affordable housing provision, which is in accord with planning policy and is considered reasonable and necessary to make the development acceptable in planning terms. The development therefore complies with LDP Policies 7, 45 and the adopted SPG on affordable housing. The planning obligation can therefore be given significant weight.

Conclusions

20. Notwithstanding my favourable conclusion for the Appellants on the affordable housing contribution, this factor does not outweigh my conclusions on character and appearance and living conditions, which are compelling grounds on their own to dismiss this appeal.

Iwan Lloyd

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr C Kimpton BA MRTPI	Appellants' agent
Mr and Mrs Ellis	Appellants

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Richards MA TCP	Planning Officer
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DOCUMENTS SUBMITTED AT THE HEARING

1. Planning obligation dated 20 February 2014 submitted on 23 April 2014
2. Correspondence following the event on the issue of signing
3. Appellants' written cost application

Penderfyniad ar gostau

Gwrandawriad a gynhaliwyd ar 20/02/14
Ymweliad â safle a wnaed ar 20/02/14

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28 Ebrill 2014

Costs Decision

Hearing held on 20/02/14
Site visit made on 20/02/14

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 28 April 2014

Costs application in relation to Appeal Ref: APP/L9503/A/13/2209161
Site address: Sunnydene, Valley Road, Saundersfoot SA69 9BX

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr and Mrs Don Ellis for a partial award of costs against Pembrokeshire Coast National Park Authority.
- The hearing was in connection with an appeal against the refusal of planning permission for the subdivision to create two separate dwellings at Sunnydene.

Decision

1. The application for an award of costs is refused.

The submissions for Mr and Mrs Don Ellis

2. The costs application was submitted in writing. The Authority has been unreasonable in refusing the application in relation to Local Development Plan (LDP) Policy 7, against the advice of the Park Direction section, which indicated that the building appeared adequate in size to accommodate an individual dwelling. The Authority has not shown reasonable planning grounds for taking the decision contrary to such advice. No evidence has been produced to support reason refusal 2, having produced no national or local policy or design guidance with regard to a specified minimum area for the plot size of a new independent dwelling.
3. The following additional points were made orally. The advice given by the Park's Policy Officer makes no reference to infill and this was not a reason for refusal, and the Appellants used it as a supporting argument. The Park Officer's views were that the building was of adequate size. In relation to reason for refusal 3, this could have been dealt with before the appeal. The Appellants have incurred unnecessary expense in the preparation of the appeal and reason for refusal 3 could have been avoided if dealt with properly during the course of the planning application.

The response by Pembrokeshire Coast National Park Authority

4. The response was made orally at the hearing. The Park's Policy Officer will only look at the principle of development, whereas the Development Manager would look at the proposal in detail. This was the judgement of the Development Manager and that view has been consistent throughout the history of this site. The Authority does not

have any guidance in relation amenity space because every site is different, and it would not be appropriate to impose a standard across the whole of the National Park area. The reason why this development is not acceptable has been set out in the report and in the reasons for refusal. The Authority has been reasonable and has clearly a different view to that of the Appellants.

Reasons

5. Circular 23/93 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
6. The Authority was entitled to consider the planning application having regard to all responses from the consultation process and to weigh up the development having regard to the development plan and other material considerations. It was not unreasonable behaviour for it to consider the proposal this way and has given adequate reasons why it rejected the advice of the Park's Policy Officer.
7. The second reason was a matter of opinion and whilst there is no empirical standard set out in the LDP, the Authority provided sufficient evidence to form a respectable basis for the stance taken. I was persuaded by that opinion, and the Authority had therefore not acted unreasonably. In relation to reason for refusal 3, it is for the Appellants to seek overcome the objection, and the Authority cannot be held to have acted unreasonably when that matter was not resolved before the appeal hearing.
8. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 23/93, has not been demonstrated. A partial award of costs is not justified in this case.

Iwan Lloyd

INSPECTOR

Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 17/03/14

Site visit made on 17/03/14

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

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

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 8 Ebrill 2014

Date: 8 April 2014

Appeal Ref: APP/L9503/C/13/2208548

Site address: 2 Maes Y Bont, Mynachlogddu, Clynderwen, SA66 7SD

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

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the 1990 Act).
- The appeal is made by Geraint Owens against an Enforcement Notice issued by Pembrokeshire Coast National Park Authority (the NPA) on 7 October 2013.
- The NPA's reference is EC11/0117.
- The breach of planning control as alleged in the Enforcement Notice is without the benefit of planning permission, the making of a material change of use of the building on the land to a use as two separate dwelling houses.
- The requirements of the Enforcement Notice are: (i) Cease the use of the Building as two separate dwellinghouses; and (ii) Restore the use of the Building to use as a single dwellinghouse.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in Section 174(2)(b) of the 1990 Act.
- Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under Section 177(5) of the 1990 Act does not fall to be considered.

Decision

1. I dismiss the appeal and uphold the Enforcement Notice.

Procedural Matters

2. The onus of proof, in a case such as this, rests with the appellant. He has to show that the breach of planning control has not occurred as a matter of fact. The standard of proof is on the balance of probabilities.

Ground (b) that the breach of control alleged has not occurred as a matter of fact

3. No. 2 was a two-storey, three bedroom semi-detached dwelling-house. I will refer to this as the "original dwelling-house".
4. Planning permission was granted in May 2005 for a two-storey side extension to the original dwelling-house. I will refer to this as "the extension". The approved plans showed the extension to include:
 - 4.1 A ground floor garage.
 - 4.2 A first floor bedroom with an en-suite bathroom.

- 4.3 An up-and over garage door and a pedestrian door to the rear garden,
 - 4.4 Internal connecting doors at ground and first floor levels.
 5. The extension has been built albeit that the ground floor garage is laid out as an open plan living room/kitchen.
 6. The appellant is the owner of the original dwelling-house and the extension.
 7. There is a letter box within the front door to the original dwelling-house.
 8. There is a post box attached to the front of the elevation of the extension. The postal address for the extension is 2A Maes Y Bont.
 9. In January 2011 John Pitcher and his family went into occupation of the original dwelling-house. He confirmed in reply to a Planning Contravention Notice dated 25 July 2011 that:
 - 9.1 His landlord was the appellant.
 - 9.2 The appellant's address was 2A Maes Y Bont.
 - 9.3 He only had use of the original dwelling-house – not the extension.
 10. John Pitcher provided a copy of the Assured Shorthold Tenancy for the original dwelling-house and this specified the appellant's address as 2A Maes Y Bont.
 11. Internal doorways have been installed between the extension and the original dwelling-house but they are sealed off and are not usable.
 12. The appellant originally failed to return a Planning Contravention Notice dated 25 July 2011. Following the instigation of criminal proceedings the appellant returned the Planning Contravention Notice stating that No. 2 was not used as two separate dwellings. He attached a letter from the Valuation Officer which confirmed that 2A Maes Y Bont was no longer a dwelling for Council Tax purposes.
- My Comments on the Information contained in the completed Planning Contravention Notice*
- 12.1 In reply to a question asking for the name and address of any person having an interest in the land at 2 Maes Y Bont the appellant answered "N/A". This is clearly incorrect as John Pitcher and his family were, and remain, in occupation of the original dwelling-house.
 - 12.2 The appellant specified his address as 2 Maes Y Bont. This is misleading because John Pitcher and his family occupy the original dwelling-house at No. 2.
13. The NPA sought to verify the claim that there were not two separate dwelling-houses at No. 2 by seeking to inspect the interior of the original dwelling-house and the extension.
 14. Fresh Planning Contravention Notices were served on the appellant and John Pitcher in November 2012. The NPA also requested that they inspect the interior of the original dwelling-house and the extension on 11 December 2012. An inspection of the original dwelling-house was made earlier than requested – it was made on 16 November 2012. The inspection confirmed that John Pitcher and his family's occupation of No. 2 was limited to the original dwelling-house.

15. The appellant failed to attend the pre-arranged meeting on 11 December 2012. The Officer viewed the downstairs part of the extension by looking in through the rear window. The ground floor was laid out as a kitchen/lounge with an internal staircase leading to the first floor. I do not intend to repeat in full what the Officer saw – this is set out at paragraph 3.13 of the NPA’s Statement of Case. In summary, the Officer concluded that the extension was being used as a separate dwelling.
16. The appellant has failed to reply to the November 2012 Planning Contravention Notice. The NPA have brought criminal proceedings against the appellant in respect of this failure. At the Magistrates’ Court hearing in November 2013 the appellant confirmed his address as 2 or 2A Maes Y Bont.
17. A NPA Officer carried out a further site visit on 8 January 2013 and viewed the ground floor of the extension from the rear window. Details of what he saw are set out in paragraph 3.15 of the NPA’s Statement of Case. The Officer concluded that the extension was still being used as a separate dwelling.
18. A further site visit was carried out by a NPA Officer on 17 April 2013. Details of what he saw are set out in paragraph 3.17 of the NPA’s Statement of Case. The Officer concluded that the extension was still being used as a separate dwelling.
19. The NPA checked the Valuation Office Agency’s website and noted that the extension was banded as a Band A property as from 1 April 2013.
20. The address given for the appellant on the Enforcement Notice appeal form is 2 Maes Y Bont.

My Comment: This is misleading because John Pitcher and his family occupy the original dwelling-house at No. 2.

Inspector’s Assessment

21. The appellant has made the following points:

21.1 That there is only one electricity supply serving both the original dwelling-house and the extension. I understand that all the electricity consumed at the premises is paid for by John Pitcher.

21.2 There is only one water supply serving the original dwelling-house and the extension. I understand that the cost of the water is paid by the appellant.

My Comment: I do not consider that either of these matters indicates that the breach of planning control has not occurred as a matter of fact. These are simply contractual decisions reached by the parties involved.

21.3 There is no heating supply in the extension.

My Comment: Whilst there are no radiators fitted within the extension I noted that there is a mobile LPG heater. In any event, the lack of heating does not indicate to me that the breach of planning control has not occurred.

21.4 That the extension is still in the course of being developed.

My Comment: There seemed to me to be very little development still to be carried out. All of the facilities that are required for independent residential use are within the extension and I have no doubt that the extension has been used as a separate dwelling prior to the issue of the Enforcement Notice.

21.5 That the interconnecting doors between the original dwelling-house and the extension have been installed. These are closed off with hardboard for health and safety reasons.

My Comment: It is clear from the evidence that John Pitcher contracted to occupy just part of the premises at No. 2 i.e. the original dwelling-house – there is no evidence before me that he is awaiting the completion of the extension.

21.6 That Building Regulation Approval for the electrical and insulation works have not been signed off.

My Comment: I do not consider that this matter indicates that the extension has not been used as a separate dwelling.

Conclusion

22. For the reasons explained above, I conclude that the appellant has failed to show on the balance of probabilities that the breach of planning control has not occurred as a matter of fact. Accordingly, the Ground (b) appeal is dismissed.

Tim Belcher

Inspector