

Application Ref: NP/14/0532

Case Officer Andrew Richards
Applicant Mr J Owen
Agent Mr I McDonald, Kimpton Durham John Associates
Proposal New build 4 bedroom 1.5 storey dwelling
Site Location Plot between Cartref & Fernlea, Nolton Haven,
Haverfordwest, Pembrokeshire, SA62 3NN
Grid Ref SM86341838
Date Valid 21-Oct-2014 **Target Date** 15-Dec-2014

Summary

The application was subject to a cooling off period as members were minded to approve the application subject to conditions and the decision would be contrary to policy.

The site lies to the north of the public highway running through the village of Nolton Haven, and the site slopes gently downhill to the north towards a small stream that forms the northern border of the site. Over the stream is a bridge that leads to a paddock of mown grassland which rises up towards the north and the open countryside beyond. There are no boundary treatments separating the site from the highway, whilst the boundaries to the east and west are delineated by close boarded timber fencing. The site is currently a gap in a line of bungalows that run along the northern side of the highway. This is a full application for a one and a half storey detached four bedroom dwelling, which includes a rear one and a half storey wing and the main roof axis orientated east-west. The proposed dwelling will be located approximately within the centre of the plot with parking and turning space to the eastern side of the property and a further two parking spaces incorporated within the front grassed garden area bounded by a new Pembrokeshire hedge bank.

The proposal has been carefully considered against all material considerations and the relevant national and local development plan policies. This proposed scheme is considered to have a scale, mass, form and detailed design which is considered to be acceptable. The proposal will provide adequate parking for the new dwelling, and the design will ensure the amenity and privacy of neighbours is maintained and protected along with the special qualities of the National Park when viewed from the immediate and wider landscape.

The original application was initially considered not accessible in accordance with Policy 7 of the LDP. However, there can be occasions where a travel plan which demonstrates that the development and its occupiers would not be dependent on a private motor vehicle but could use more sustainable forms of transport could be weighed in the balance.

Since the discussion at January's DM Committee meeting when members were 'minded to approve' the application, the applicant has been able to

confirm that he would be willing to locate an electric car hook up point within the development and that the dwelling itself would be to comparable sustainable code level 3 (although this is not now a planning matter as building regulations are now devolved to WG). The applicant has now provided an updated travel plan and also went into some detail previously when addressing the development management committee as to how he could reduce the need for personal car travel.

On the basis that this recent information would improve the sustainability of the proposal: that the applicant would live and work in the locality (but note this dwelling is not tied as such) and that there is a financial contribution provided for affordable housing in the locality through a legal unilateral undertaking, the planning balance has been reconsidered and the officer recommendation is now one of conditional approval.

Consultee Response

Nolton and Roch Community Council: No formal response at time of report

Coal Authority: Conditional consent

Dwr Cymru Welsh Water: Conditional consent

National Grid Plant Protection: No formal response at time of report

Natural Resources Wales: No objection subject to informative added to any consent issued

PCC Planning Ecologist: Conditional consent

PCC Transportation and Environment: Conditional consent

PCNPA Park Direction: Not supported by Policy 7 of LDP

PCNPA Tree and Landscape Officer: Conditional consent

Public Response

A site notice was posted and letters forwarded to the adjoining occupiers in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. One letter of objection has been received from the neighbour at Cartref during the required consultation period. The issues raised within the letter have been addressed in the main report below.

Policies considered

Please note that these policies can be viewed on the Policies page
Pembrokeshire Coast National Park website -

<http://www.pembrokeshirecoast.org.uk/default.asp?PID=549>

LDP Policy 01 - National Park Purposes and Duty

LDP Policy 07 - Countryside

LDP Policy 08 - Special Qualities

LDP Policy 10 - Local Sites of Nature Conservation or Geological Interest

LDP Policy 11 - Protection of Biodiversity

LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park

Item 5 - Report on Planning Applications

LDP Policy 21 - Minerals Safeguarding
LDP Policy 29 - Sustainable Design
LDP Policy 30 - Amenity
LDP Policy 32 - Surface Water Drainage
LDP Policy 34 - Flooding and Coastal Inundation
LDP Policy 44 - Housing
LDP Policy 45 – Affordable housing
LDP Policy 52 - Sustainable Transport
LDP Policy 53 - Impacts on traffic
PPW7 Chapter 03 - Making and Enforcing Planning Decisions
PPW7 Chapter 04 - Planning for Sustainability
PPW7 Chapter 05 - Conserving and Improving Natural Heritage and the Coast
PPW7 Chapter 08 - Transport
PPW7 Chapter 09 - Housing
PPW7 Chapter 12 - Infrastructure and Services
PPW7 Chapter 13 - Minimising and Managing Environmental Risks and Pollution
SPG05 - Sustainable Design
SPG06 - Landscape
SPG08 - Affordable Housing
SPG10 - Safeguarding Mineral Zones
SPG11 - Coal Works - Instability
SPG12 - Parking
SPG20 - Accessibility
TAN 02 - Planning and Affordable Housing
TAN 05 - Nature Conservation and Planning
TAN 06 - Planning for Sustainable Rural Communities
TAN 12 - Design
TAN 15 - Development and Flood Risk
TAN 18 - Transport

Officer's Appraisal

Background and History

The site lies to the north of the public highway running through the village of Nolton Haven, and the site slopes gently downhill to the north towards a small stream that forms the northern border of the site. Over the stream is a bridge that leads to a paddock of mown grassland which rises up towards the north and the open countryside beyond. There are no boundary treatments separating the site from the highway, whilst the boundaries to the east and

west are delineated by close boarded timber fencing. The site is currently a gap in a line of bungalows that run along the northern side of the highway.

- NP/13/0134 - Plot between Cartref & Fernlea, Nolton Haven, Haverfordwest, Pembrokeshire, SA62 3NN - Outline application for 1 x 3 bedroom, 1.5 storey house, with consideration of access and layout (all other matters reserved) – Refused 19th June 2013.

The four grounds of refusal on NP/13/0134 are as follows:

1. The proposed dwelling, by reason of its height and one-and-a-half-storey character in a location within the hamlet where all other properties are single storey, is considered to be visually intrusive and unacceptable infilling that is harmful to the character of the hamlet and the special qualities of the National Park.
2. There is insufficient year-round public transport provision to provide an alternative to the private car for an open market dwelling. This lack of accessibility and the resulting reliance on the private car means that the proposal is contrary to Policy 7 of the adopted Development Plan.
3. Application has not been supported with sufficient information to ascertain the impact of the coal mining legacy on the proposed development.
4. The applicant has not agreed to provide the proscribed level of commuted sum for affordable housing.

- NP/12/0466 - Plot between Cartref and Fernlea, Nolton Haven, Haverfordwest, Pembrokeshire, SA62 3NN Outline application for a one-and-a-half storey house with consideration of access and layout (all other matters reserved) - Withdrawn 9th November 2012.
- NP/08/157 – Plot between Cartref & Fernlea, Nolton Haven - Dwelling (Outline) – Approved - 13th August 2008.

Constraints

Special Area of Conservation – within 500m
LDP Mineral Safeguard
Biodiversity Issue
Safeguarding Zone
Hazardous Zones
Potential for Surface Water Flooding
Recreational character Areas
Surface Coal
High Coal Risk

Current Proposal

This is a full application for a one and a half storey detached four bedroom dwelling, which includes a rear one and a half storey wing and the main roof axis orientated east-west. The proposed dwelling will be located approximately within the centre of the plot with parking and turning space to

the eastern side of the property and a further two parking spaces incorporated within the front grassed garden area bounded by a new Pembrokeshire hedge bank.

To the rear is the main amenity area which will be grassed, and also includes a cycle shed located along the western boundary with a new hedge and stock proof fencing providing a new northern boundary to the site. The proposed materials include a slate roof, painted smooth render to the walls and chimneys, timber painted windows and doors together with a timber clad cycled shed.

Background

Members will recollect that at the Development Management Committee meeting of 21 January 2015, they were 'minded to approve' the above application against officer recommendation.

Members are requested to have re-read and made themselves familiar with the officer's report which is in the agenda pack for the meeting of 21 January 2015.

The Director of Park Direction and Planning invoked the "cooling off" period to enable committee members to:

- (a) reconsider their preferred outcome in the light of any new evidence and if maintaining a similar stance also consider
- (b) any planning conditions which they would consider should be imposed on the planning permission.

The accessibility issue

The key and only fundamental outstanding concern of the case officer was the consideration that the provision of a single open market dwelling would not comply with the adopted policy 7 regarding the accessibility of the location. On this basis the application was recommended for refusal.

Appeal decision

There has been a recent (13.03.13) appeal decision in the National Park on a very similar application where the Planning Inspector dismissed the appeal for a single dwelling in the countryside. The only issue was whether the development would be sustainable in terms of its location.

The appeal decision: Taskers Garden, West Williamston APP/L9503/A/13/2192159 is set out overleaf for members to be fully conversant with the arguments of the case.

Accessibility is an issue addressed with both national and local planning policies which seeks to discourage and prevent certain types of development

from being situated in locations which exacerbate the need for the use of a private vehicle. Certain types of development could nevertheless be acceptable in such locations (e.g. holiday lets). Affordable housing is considered to be in such demand that the provision of it outweighs any accessibility concerns.

There can be occasions where a personal travel plan which demonstrates that the development and its occupiers would not be dependent on a private motor vehicle but could use more sustainable forms of transport could be weighed in the balance.

It should be noted that merely the submission of a travel plan does not make the development acceptable. In the above appeal decision the Inspector concluded that '...I am not satisfied that the Travel Plan in its current form contains sufficient detail to secure the commitment necessary to ensure car usage would not be relied on in preference to the use of public transport'.

The Taskers Garden site now has the benefit of planning permission (NP/14/0558) as the applicant was able to provide a substantially improved travel plan – including electric car hook-up and a dwelling which complied with at a minimum Code for Sustainable homes (Level 3) and a minimum of one credit under category Ene1 – Dwelling Emissions Rate'.

Current application

Since the discussion at January's DM Committee meeting were members were 'minded to approve' decision, the applicant has been able to confirm that he would be willing to locate an electric car hook up point within the development and that the dwelling itself would be to comparable sustainable code level 3 (although this is not now a planning matter as building regulations are now devolved to WG). The applicant has now provided an updated travel plan that takes account of the provision of an electric vehicle charging point. This is an aspect of the plan that can be enforced by a valid planning condition requiring the installation of the point and for it to be permanently maintained.

On the basis that this recent information would improve the sustainability of the proposal: that the applicant would live and work in the locality (but note this dwelling is not tied as such), and that there is a financial contribution provided for affordable housing in the locality through a legal unilateral undertaking, the planning balance can now be reconsidered and the officer recommendation is now be one of conditional approval.

Recommendation:

Conditional approval as set out below

The conditions would be:

1. The development shall begin not later than five years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out in accordance with the following approved plans and documents: 1801/06/C (dated 21.10.2014), 1801/07/D (dated 29.01.2015), 1801/08 (dated 02.10.2014) and 1801/09 (dated 10.10.2014)

Reason: In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

3. No development shall take place until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the local planning authority. The results of the site investigation shall be submitted to the local planning authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason: To ensure a satisfactory standard of development and in the interests of conserving and protecting public amenity. Policy: Local Development Plan – Policies 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).

4. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 3, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained in perpetuity.

Reason: To ensure a satisfactory standard of development and in the interests of conserving and protecting public amenity. Policy: Local Development Plan – Policies 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).

5. Prior to the erection of external lighting on the site a light mitigation strategy, including measures to reduce light spillage onto foraging habitats for bats shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected, and to protect and enhance the character and appearance of the site and its setting within the Pembrokeshire Coast National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8

(Special Qualities), 11 (Protection of Biodiversity) and 15 (Conservation of the Pembrokeshire Coast National Park).

6. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees to be retained. The approved scheme shall be carried out during the course of the development and shall include:

- a) a plan, at 1:200 scale showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
- b) and in relation to every tree identified a schedule listing:
 - information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;
 - any proposed pruning, felling or other work;
- c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
 - any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area;
 - all appropriate tree protection measures required before and during the course of development (in accordance with BS5837:2012).
- d) areas of existing landscaping to be protected from construction operations and the method of protection.

Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape & biodiversity of the site and surrounding area. Policy: Local Development Plan - Policy: 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Protection of Biodiversity), 15 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).

7. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;
- v) hard surfacing materials;
- vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and water features.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and implementation programme (including phasing of works where relevant and such details shall be carried out as approved).

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value. Policy: Local Development Plan - Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Protection of Biodiversity), 15 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).

8. Highway details:

- a) Any access gates shall be set back to a distance of at least 5metres behind the highway boundary and shall open inwards.
- b) There shall be no growth or obstruction to visibility over 0.2metres above the level of the crown of the adjacent carriage way within 2.0metres of the near edge of the carriageway, over the whole frontage of the site to the Class 3 road.
- c) Before any housing construction work is commenced adequate and suitable areas shall be provided within the site for parking and turning, loading and unloading of all vehicles attracted to the site and for the storage of building materials clear of the public highway.
- d) The parking and turning area shown on the submitted drawings shall be completed before the development is brought into use and thereafter shall be retained for no purpose other than parking and turning.
- e) The area of the drive shall be surfaced in bituminous macadam, concrete or paving for a minimum distance of 5metres behind the edge of the carriageway of the adopted highway before the development is brought into use.

Reason: In order to reduce the likelihood of obstruction and danger to road users whilst right of entry is secured or gates being opened or closed. In the interests of road safety. To reduce the likelihood of obstruction of the highway or danger to road users when vehicles are leaving the premises. To ensure that no deleterious material is carried onto the road. Policy: Local Development Plan – Policy 53 (Impacts of Traffic).

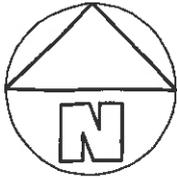
9. Sewerage details:

- a) Foul water and surface water discharges shall be drained separately from the site.
- b) No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
- c) Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To protect the integrity of the public sewerage system and pollution of the environment. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no detriment to the environment. Policy: Local Development Plan – Policies 29 (Sustainable Design) and 32 (Surface Water Drainage).

10. The car charging point as detailed in drawing reference: 1801/07/D for a plug in hybrid/electric vehicle is to be made available for use at all times, and in perpetuity.

Reason: To ensure a satisfactory standard of sustainable private transport is available. Policy: Local Development Plan – Policy 52 (Sustainable Transport).



existing close-boarded timber fencing retained

stockproof fencing & indigenous-species hedge

Secure cycle shed

NO VEHICLES BEYOND THIS LINE

grass

Recycling/composting area

block pavior path

CARTREF

existing t.p.

grass

block paviors to driveway & paths

FERNLEA

existing close-boarded timber fencing retained

Low Pembrokeshire hedgebank - as drwg 1801-07B Proposals

NP 14 5 32

Vehicle Access

SCALE 1:200
DATE Oct. 2014
DRAWN IMcD

TITLE PLOT BETWEEN CARTREF & FERNLEA, NOLTON HAVEN
PROPOSED BLOCK PLAN

DRG. No. 1801/09

KIMPTON DURHAM JOHN ASSOCIATES
10-12 TOWER HILL, HAVERFORDWEST, PEMBS.
Tel: (01437) 767088 Fax: (01437) 769830





Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 17/04/13

Site visit made on 17/04/13

gan Kay Sheffield BA(Hons) DipTP
MRTPI

by Kay Sheffield BA(Hons) DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 13/05/13

Date: 13/05/13

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

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

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Chris Griffiths against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/12/0408, dated 6 August 2012, was refused by notice dated 5 October 2012.
- The development proposed is the erection of a single dwelling.

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

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

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

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

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

² Edition 5 November 2012

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

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

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

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

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

Kay Sheffield

Inspector