

## REPORT OF THE DEVELOPMENT MANAGEMENT TEAM LEADER ON APPEALS

The following appeals have been lodged with the Authority and the current position of each is as follows:-

<b><u>NP/16/0314/FUL</u></b>	Change of use of land for siting of timber lodge, cesspit & concrete slab – land adjacent to Villa St Helens, Wisemans Bridge
<b>Type</b>	Hearing
<b>Current Position</b>	The appeal has been allowed and a copy of the Inspectors decision is attached for your information.
<b><u>NP/16/0323/OUT</u></b>	Single 2 storey dwelling – Keepingstone, Feiddr Ganol, Newport
<b>Type</b>	Hearing
<b>Current Position</b>	The appeal has been allowed and a copy of the Inspectors decision is attached for your information.
<b><u>NP/16/0603/CLE</u></b>	Slurry lagoon & silage clamps – Trewern, Felindre Farchog.
<b>Type</b>	Inquiry
<b>Current Position</b>	The initial paperwork, statement of case and evidence has been submitted to the Planning Inspectorate. A Public Inquiry will take place on 3 <sup>rd</sup> October 2017.
<b><u>NP/16/0680/S73</u></b>	Variation of Condition 1 of NP/11/096 to allow amended design – Rockcliffe, 9 Millmoor Way, Broad Haven
<b>Type</b>	Written Representation
<b>Current Position</b>	The initial paperwork has been submitted to the Planning Inspectorate.
<b><u>EC15/0111</u></b>	Large container on land & depositing of building materials – land next to Maes-yr-Helyg, Mynachlogddu
<b>Type</b>	Written Reps
<b>Current Position</b>	The appeal has been dismissed and the Inspectors decision is attached for your information.
<b><u>EC16/0117</u></b>	Change of use of land from agriculture to car park, installation of payment machine and laying of hardstanding – Rhosson Car Park, Rhosson Chapel, St Justinian's, St Davids
<b>Type</b>	Written Reps
<b>Current Position</b>	The initial paperwork has been submitted to the Planning Inspectorate.
<b><u>EC16/0044</u></b>	Alterations to a listed building – Medical Hall, Tenby
<b>Type</b>	Written Reps
<b>Current Position</b>	The initial paperwork has been submitted to the Planning Inspectorate.

---

## **Penderfyniad ar yr Apêl**

Gwrandawiad a gynhaliwyd ar 22/06/17  
Ymweliad â safle a wnaed ar 22/06/17

**gan Janine Townsley LLB (Hons)  
Cyfreithiwr (Nad yw'n ymarfer)**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 16.08.2017**

## **Appeal Decision**

Hearing Held on 22/06/17  
Site visit made on 22/06/17

**by Janine Townsley LLB (Hons)  
Solicitor (Non-practising)**

**an Inspector appointed by the Welsh Ministers**

**Date: 16.08.2017**

---

**Appeal Ref: APP/L9503/A/17/3171202**

**Site address: Land adjacent to Villa St. Helens, Cliff Road, Wisemans Bridge,  
Narberth, SA67 8NU.**

**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 Andrew Watkins against the decision of Pembrokeshire Coast National Park Authority.
  - The application Ref NP/16/0314/FUL, dated 7 June 2016, was refused by notice dated 16 February 2017.
  - The development proposed is retrospective application for change of use of the land for siting of timber lodge, cesspit and concrete slab.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for retrospective application for the change of the land for siting of timber lodge, cesspit and concrete slab at land adjacent to Villa St. Helens, Cliff Road, Wisemans Bridge, Narberth, SA67 8NU in accordance with the terms of the application, Ref NP/16/0314/FUL, dated 7 June 2016, and the plans submitted with it, subject to the conditions in the schedule attached.

### **Application for costs**

2. At the Hearing an application for costs was made by Mr and Mrs Andrew Watkins against Pembrokeshire Coast National Park Authority (PCNPA). This application is the subject of a separate Decision.

### **Procedural Matters**

3. The description of development as set out on the application form was changed by PCNPA to "retrospective application for change of use of the land for siting of timber lodge, cesspit and concrete slab". I note that the appellant has adopted the amended description on the appeal form. I have determined the appeal accordingly.
  4. In February 2015 PCNPA granted a certificate of Lawful Development (LDC) for the stationing of a caravan for seasonal holiday use/occupation during the period 1<sup>st</sup> June
-

to 30<sup>th</sup> September<sup>1</sup>. In May 2015, planning permission was granted<sup>2</sup> to extend the holiday occupation of the caravan subject to conditions limiting the use to holiday use only and for the construction of a close boarded fence along the western boundary of the site. The LDC was granted without restriction as to the type of caravan, size or siting. As such, any representations made as to the size or type of the caravan which was on site prior to the issue of the LCD have not been taken into account in the determination of this appeal.

5. The appellant's evidence states that the timber lodge does not require planning permission as it falls within the statutory definition of a caravan. Despite this, the application which was considered by PCNPA was for a change of use of the land for the siting of a timber lodge and this was the description of development on the appeal form. As such, whether or not the timber lodge falls within the statutory definition of a caravan is not for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have these matters determined under Sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

### **Main Issue**

6. This is the effect of the development on the character and appearance of the area and the National Park, particularly the Pembrokeshire Coast National Trail and the Wales Coastal Path.

### **Reasons**

7. Whilst acknowledging the LDC, PCNPA say that the lodge does not fall within the statutory definition of a caravan and consequently should be considered to be a building.
8. The appeal site falls outside of settlement limits where in local planning policy terms development is limited to, inter alia, "sensitive filling in of small gaps or minor extensions (i.e. rounding off) to isolated groups of dwellings"<sup>3</sup>. The concern is that the form and appearance of the development is incompatible with the landscape character of the National Park particularly due to its proximity to the Pembrokeshire Coast National Trail and Wales Coastal Path.
9. The site falls within the National Park, close to the National Trail and Wales Coastal Path. The appeal site lies at the end of a row of dwellings, and aside from these dwellings the wider area is verdant with a rural character. Policy 1 of the PCNPA Local Development Plan, adopted in 2010 (LDP) states that development within the National Park must be compatible with the conservation or enhancement of the natural beauty, wildlife and cultural heritage of the Park.
10. In terms of the visual impact of the timber lodge, PCNPA state that it is taller than the statutory maximum for a caravan. However, this position appears to be based on the misinterpretation of Section 13(1) of the Caravan Sites Act 1968. Section 13(2)(c) relates to the "...overall height of living accommodation" and states that this is measured internally.
11. PCNPA have based their assessment of the impact of the timber lodge on a height measurement taken from ground level after concluding that the statutory definition

---

<sup>1</sup> NP/14/0502

<sup>2</sup> NP/15/0180/FUL

<sup>3</sup> Policy 7 Pembrokeshire Coast National Park Local Development Plan.

provides for an internal measurement in England only. Whilst amendments were made in 2006 in England<sup>4</sup> and 2007 in Wales<sup>5</sup>, the amendments served to increase the dimensions and did not have any effect on the pre-existing provision that height was to be "measured internally from the floor at the lowest level to the ceiling at the highest level". There is no suggestion from PCNPA that if the height was measured internally, that the size of the lodge would not fall within the statutory limitations. This is a significant material consideration in assessing the visual impact of the appeal structure on the National Park since there is a realistic "fall-back" position of having a caravan on site of at least the size of the timber lodge by reference to the LDC.

12. Turning to the slab and cesspit, whilst there is no reference to such in the LDC and therefore no "fall-back" to consider, the slab is only partially raised from ground level and the cesspit is below ground. Therefore, neither can be readily seen. Any views of the slab are limited since it is largely covered by the timber lodge. As a result of this any visual impact of this part of the development is limited to that from within the site itself.
13. Overall, I consider the development does not cause visual harm over and above that which may be caused by the fall-back position of siting a caravan on the appeal site. In this respect, I find no conflict with policies 1, 7 and 8 of the LDP since the development conserves the natural beauty of the National Park, and does not cause any significant visual intrusion or introduce a use which is incompatible with its location.
14. Whilst PCNPA's decision notice also refers to a detrimental impact on residential amenities, it was clarified at the hearing that this was in relation to the visual impact of the development when viewed from adjacent properties. I note that occupiers of neighbouring properties have expressed concern in relation to the impact of the development on their living conditions, however, due to the separation distances involved and topography of the site and surrounding areas, I am satisfied that the development would not cause any significant harm to the outlook from these properties.

### *Conditions*

15. Whilst the development is largely completed, some finishing works are required and therefore I have attached a condition requiring the development to be carried out in accordance with the plans. This is necessary in the interests of preserving the character and appearance of the area. A condition limiting the use of the site to holiday use only is also necessary to reflect that of the planning permission granted in 2015. A number of landscaping conditions and a condition relating to boundary treatments have been requested by PCNPA. Whilst I have concluded that the timber lodge would have no detrimental impact over and above development permitted by the LDC, works carried out for the construction of the slab and the installation of the cesspit mean that site levels and the southern boundary of the site have been affected and have not been fully reinstated. I am satisfied that such conditions are necessary to maintain the character and appearance of the area. Finally, a condition relating to the use and operation of the cesspit is necessary for the proper surface water and foul drainage of the timber lodge.

<sup>4</sup> The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes)(England) Order 2006 (Definition of Caravan (Amendment))(England)Order 2006

<sup>5</sup> The Caravan Sites Act 1968(Amendment)(Wales)Order 2007

## **Conclusion**

16. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
17. Taking into account all matters raised, for the aforementioned reasons I conclude the appeal should be allowed.

*Janine Townsley*

Inspector

## SCHEDULE OF CONDITIONS

- 1) The development shall be carried out in accordance with the following approved plans and documents: Location and Block Plan dated June 2016, Lodge Elevations A, B, C and D.
- 2) The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 30 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
- 3) Within three months of the date of this decision, details of both hard and soft landscape works shall be 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
  - vii) water features.Soft landscape works shall include planting plans; plant supply sizes and proposed numbers/densities where appropriate; and an implementation programme.
- 4) The landscaping works shall be carried out in accordance with the approved details during the first planting season as per the agreed implementation programme.
- 5) Within three months of the date of this decision a plan indicating the positions, height, design, materials and type of boundary treatment to be erected to the southern site boundary shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed as approved within six months of the approval by the local planning authority.
- 6) Within three months of the date of this decision, a scheme shall be submitted to and approved in writing by the local planning authority to show details of the soakaways and cesspit. The scheme shall be implemented, managed and maintained in accordance with the approved details.

**APPEARANCES**

**FOR THE APPELLANT:**

Mr C Kimpton

CK Planning

**FOR THE LOCAL PLANNING AUTHORITY:**

Ms C Stephenson

Prospero Planning

**INTERESTED PERSONS:**

Mr T Dinan

Ms C Gwyther

Mr A Wilcox

**DOCUMENTS**

- 1 Certificate of Lawfulness NP/15/0180/FUL
- 2 Planning Permission NP/14/0502
- 3 List of Parties Notified of Hearing



---

## Penderfyniad ar gostau

Gwrandawriad a gynhaliwyd ar 22/06/17  
Ymweliad â safle a wnaed ar 22/06/17

gan **Janine Townsley LLB (Hons)**  
**Cyfreithiwr (Nad yw'n ymarfer)**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 16.08.2017

## Costs Decision

Hearing Held on 22/06/17  
Site visit made on 22/06/17

by **Janine Townsley LLB (Hons) Solicitor**  
**(Non-practising)**

an Inspector appointed by the Welsh Ministers

Date: 16.08.2017

---

**Costs application in relation to Appeal Ref: APP/L9503/A/17/3171202**

**Site address: Land adjacent to Villa St. Helens, Cliff Road, Wisemans Bridge, Narberth, SA67 8NU.**

**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, 322C and Schedule 6.
  - The application is made by Mr and Mrs Andrew Watkins for a full award of costs against Pembrokeshire Coast National Park Authority.
  - The hearing was in connection with an appeal against the refusal of planning permission for retrospective application for the change of the land for siting of timber lodge, cesspit and concrete slab.
- 

## Decision

1. The application for an award of costs is allowed in the terms set out below.

### **The submissions for Mr and Mrs Andrew Watkins**

2. The costs application was submitted in writing.

### **The response by Pembrokeshire Coast National Park Authority (PCNPA)**

3. The response was made in writing. The following additional points were made orally; that the committee followed the democratic process and followed their interpretation of whether the development complied with policy. Whilst no site visit was carried out, the committee had access to all of the information and were shown photographs of the site. Further, the head of planning could have invoked a "cooling off" period following the vote to refuse the application but did not. The debate at committee was lengthy and rounded and ultimately based on sound reasons.

## Reasons

4. Section 12 Annex: Awards of Costs, of the Development Management Manual (the Annex) states that an appellant or applicant is not awarded costs simply because their appeal succeeds. An award of costs may only be made where a one party has behaved unreasonably and that unreasonable behaviour has led another party to incur unnecessary or wasted expense.
-



5. The basis for the application is that it was not dealt with within the allotted timescale and that the decision was contrary to officer recommendation. The applicant states that PCNPA acted unreasonably in refusing the application and failed to provide any evidence or reasoned argument that the timber lodge is insensitively and unsympathetically sited within the landscape or has a detrimental impact on the residential amenities of the occupiers of adjacent properties. This is particularly when the "fall-back" position is that a caravan could lawfully be sited on the appeal site which would be larger than the timber lodge.
6. I note that the recommendation of planning officers was that the application be approved. Consideration of planning applications and appeals, however, often involve finely balanced judgment on matters. The Planning Committee was entitled to weigh matters differently and to conclude as it did, considering potential conflicts with the development plan. Paragraph 3.9 of the Annex states that local planning authorities are not bound to adopt the professional or technical advice given by their own officers, however, they are expected to show they had reasonable planning grounds for taking a decision contrary to that advice.
7. Whilst I note that the committee was not satisfied that the lodge fell within the statutory definition of a caravan, the granting of a Lawful Development Certificate (LDC) for the siting of a caravan on the appeal site meant that a structure of at least the size of the lodge could have been lawfully sited. This amounts to a realistic "fall-back" position. This is a significant material factor when weighing up the visual impact of the proposal on the wider landscape. I am not satisfied that PCNPA has provided any evidence that the timber lodge causes any visual harm over and above that of a caravan falling within the statutory size limitations. Taking into account the scope of the LDC which allows for the stationing of a caravan without limitation as to size, this amounts to unreasonable behaviour.
8. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the Annex has been demonstrated and that a full award of costs is justified.

### **Costs Order**

9. In exercise of the powers under section 322C and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Pembrokeshire Coast National Park Authority shall pay to Mr and Mrs Andrew Watkins, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Pembrokeshire Coast National Park Authority, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*Janine Townsley*

Inspector



---

## Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 06/07/17

Ymweliad â safle a wnaed ar 06/07/17

gan **Joanne Burston BSc MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 01.08.2017

## Appeal Decision

Hearing Held on 06/07/17

Site visit made on 06/07/17

by **Joanne Burston BSc MA MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 01.08.2017

---

**Appeal Ref: APP/L9503/A/17/3170523**

**Site address: Keeping Stone, Feidr Ganol, Newport SA42 0RT**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr John Griffiths (Griffiths Associates Ltd) against the decision of Pembrokeshire Coast National Park Authority.
  - The application Ref NP/16/0323/OUT, dated 6 June 2016, was refused by notice dated 13 September 2016.
  - The development proposed is residential development on infill land within the curtilage of Keeping Stone.
- 

### Decision

1. The appeal is allowed and planning permission is granted for residential development on infill land within the curtilage of Keeping Stone at Keeping Stone, Feidr Ganol, Newport SA42 0RT in accordance with the terms of the application, Ref NP/16/0323/OUT, dated 6 June 2016, and the plans submitted with it, subject to the conditions set out in the annex to this decision.

### Procedural Matters

2. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is consistent with the sustainable development principle as required by section 8 of the WBFG Act.
  3. The appeal application was submitted in outline form with all matters being reserved for subsequent approval. During the consideration of the application the scale parameters of the development were formally revised to indicate a minimum height of 6 metres and a maximum height of 8.5 metres. An indicative site plan was submitted identifying the potential siting of the proposed dwelling and regard has been had to this drawing in the determination of this appeal.
  4. A completed Planning Obligation under Section 106 of the Town and Country Planning Act, 1990 (as amended) dated 28 June 2017 was submitted. This provides for a
-

contribution towards affordable housing. I will discuss the implications of this later in this decision.

### **Main Issues**

5. The main issues in this case are:

- the effect of the proposed development on the character of the area, given its location within the National Park; and
- the effect of the proposal on the provision of affordable housing.

### **Reasons**

6. In planning policy terms the site is located within the countryside where development is strictly controlled in the interests of sustainable development. Moreover, the appeal site is located within a nationally valued landscape that has been designated a National Park. Planning Policy Wales (PPW), edition 9, states that "*The statutory purposes of National Parks are to conserve and enhance their natural beauty, wildlife and cultural heritage and to promote opportunities for public understanding and enjoyment of their special qualities.... National Park Authorities also have a duty to seek to foster the economic and social well-being of their local communities.*"
7. Accordingly, the National Park is a living and working landscape where limited development proposals help to contribute to the quality of life for its communities and visitors. In this respect the Pembrokeshire Coast National Park Local Development Plan (LDP) Policy 7 sets out the circumstances where development would be permitted in the countryside. Of particular relevance in this case is criteria 'a', that establishes, amongst other matters, that sensitive infilling of small gaps or minor extensions (i.e. rounding off) to isolated groups of dwellings will be permitted, depending upon the character of the surroundings, the pattern of development in the area and accessibility to the centres identified in the hierarchy.
8. The appeal site forms part of the garden of a contemporary designed dwelling known as 'Keeping Stone', located on the junction of Feidr Brenin and Feidr Ganol on the western outskirts of Newport. 'Keeping Stone' is set in a substantial plot, the majority of which is laid to the grass and is situated on a raised parcel of land which slopes down to the north to meet the highway where the site access is located.
9. The site is approximately 0.6km from the town of Newport (identified as a Centre in the LDP settlement hierarchy), with its range of services and facilities. Furthermore, bus stops are located along the A487, approximately 500m from the site, which provide frequent daily services to a range of towns and villages. Accordingly, any future occupier would have adequate accessibility, via sustainable modes of transport, to local centres, services and facilities to meet their day to day needs.
10. Dwellings of varying design and scale are located along the adjacent highway, in a linear pattern, to the northeast, northwest and southeast. Whereas the south west boundary of the appeal site marks the transition to open countryside. Nevertheless, the appeal site is visually contained by mature hedges and trees. In particular it is this vegetation that forms a strong part of the verdant character of the area.
11. The location of the proposed new dwelling is admittedly on the edge of the built form but it would, in my view, have an effect of 'rounding off' or ending the built form along Feidr Ganol at a natural boundary rather than being perceived as an intrusion into the open countryside.

12. In terms of public views, the proposed dwelling would not be prominent due to the existing landscaping. Whilst I accept that the proposal would diminish some sense of openness at 'Keeping Stone', the proposed house would sit comfortably within a good sized plot and be set back from the nearby junction, with sufficient space around the new building to preserve the visual break between it and 'Keeping Stone'. Therefore it would ensure that 'Keeping Stone' continued to be viewed as a distinct entity. Protection and enhancement of the existing landscaping could be secured by condition and with these safeguards in place the proposal would not significantly diminish the sense of openness at this location.
13. The varied levels and, consequently, rooflines, of the existing buildings on both sides of the roads also contribute to the character of the countryside hereabouts. The proposed dwelling would contribute to this varied built form. It would be visible from the site access, but would be less prominent than 'Keeping Stone'. Furthermore, the choice of materials to integrate with the local vernacular, controlled through the reserved matter submissions, would also help to blend the proposal with the existing pattern of built form. I consider, therefore, that the dwelling itself would not harm the special landscape character of the National Park.
14. The Authority stated that the proposed development could set an undesirable precedent for ribbon development in the area, thus harming the character of the area. In this respect it is a long established principle that each planning application should be determined on its individual merits based on the planning considerations applicable at the time of the decision. However, where a proposal could be used to justify a proposal on another piece of land and that development would cumulatively add to harm then this may weigh against an initial development.
15. At the Hearing I was referred to the area to the south west of the appeal site, which has been put forward as a site in the 'LDP 2 Candidate Sites consultation' process. Nevertheless there are differences between the two sites so that the granting of planning permission for the appeal site would not compromise any decision making on the land to the southwest, which, if an application were to be submitted, must be considered on its own merits.
16. Therefore I conclude on this main issue that there would be no conflict with PPW or LDP Policies 1, 7 8 and 15, 30 which broadly refer to, amongst other matters, that development within the National Park must be compatible with the conservation or enhancement of the natural beauty, wildlife and cultural heritage of the Park. Further, that development will not be permitted where this would adversely affect the qualities and special character of the National Park by causing significant visual intrusion, being insensitively and unsympathetically sited within the landscape.

#### *Affordable Housing and S106*

17. There is no dispute that there is a need for affordable housing in the local area. The provision of affordable housing is therefore a matter of considerable importance. In this respect LDP Policy 45(d) states that the Authority will "*seek a commuted sum to help with the delivery of affordable housing on housing developments below the threshold of 2 units (i.e. on proposals for single residential units).*"
18. The LDP is also supported by Supplementary Planning Guidance on Affordable Housing adopted November 2014 (the SPG). The SPG establishes that within the relevant sub-market housing area a contribution for a single dwelling is £250 per m<sup>2</sup>.
19. The appellant has not disputed this requirement and as noted above has provided a Unilateral Undertaking. The Obligation within it deals with the provision of affordable

housing and would provide for a contribution of £250 per m<sup>2</sup> of the total floor area of the dwelling. I am satisfied that this contribution is necessary and complies with the requirements of the Community Infrastructure Levy Regulations and I have taken it into account in reaching my decision. Whilst there appears to be a possible discrepancy between the plans along the southwest site boundary it does not affect the enforceability of the S106 given that it is shown as a small landscaping strip in the submitted plan.

#### *Other matters*

20. With regard to highway safety and parking, the appeal scheme would include off-street parking for the proposed dwelling and I note the Authority raises no objection in this regard. On the evidence before me, I have no reason to reach a different view.
21. The development would not give rise to any overlooking or other adverse impacts on existing neighbouring occupiers living conditions given its single storey nature, low height and the retention of the existing mature landscaping.

#### *Conditions*

22. I have considered the conditions put forward by the Authority against the requirements of Welsh Government Circular 016/2014 The Use of Planning Conditions for Development management. In addition to the standard reserved matters and timescale conditions, I have imposed conditions relating to tree and hedge bank protection as these matters need to be resolved prior to development taking place so as protect these features.
23. Given the narrow nature of the surrounding road network a condition to provide suitable onsite parking turning and loading of all vehicles attracted to the site and for the storage of building materials is necessary to ensure highway safety. This needs to be agreed before any construction work is commenced. The development is within a sensitive location and as such I consider that it is vital that the development does not result in unnecessary visual clutter, such as overhead cabling. Therefore a condition restricting electricity or telephone supplies to the site via underground cabling is necessary.
24. A number of the conditions suggested, such as that relating to design, landscaping and on-site car parking should be properly considered at the reserved matters stage. Additionally, as no concerns have been raised relating to flooding or the capacity of the local sewer network, the conditions referring to surface and foul water drainage are not necessary. Given that a Planning Obligation has been submitted with regard to affordable housing a condition to secure such an obligation is no longer required.
25. Otherwise than as set out in this decision and conditions, I have imposed a condition specifying finished ground levels as this provides certainty. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

#### **Conclusion**

26. For the reasons given above and having had regard to all matters raised I conclude that the appeal should be allowed subject to the conditions attached in the annex to this decision.

*Joanne Burston* INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANTS:**

Mr G John                      Agent, Geraint John Planning

### **FOR THE AUTHORITY:**

Mrs K Attrill                Senior Planning Officer, Pembrokeshire Coast National Park Authority  
Mr R James                 Planning Policy Officer, Pembrokeshire Coast National Park Authority

### **INTERESTED PARTY**

Mr G Lewis                 Local Resident

## **DOCUMENTS SUBMITTED DURING THE HEARING**

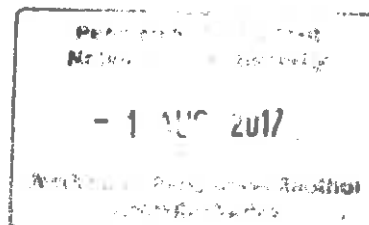
- Doc 01            Notification letter, submitted on behalf of the Authority
- Doc 02            Draft Section 106 Agreement, submitted on behalf of the appellant

## **Annex: Schedule of Conditions attached to decision APP/L9503/A/17/3170523**

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) 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 and Pembrokeshire Hedgebanks to be retained. The approved scheme shall be carried out during the demolition of the buildings and throughout the course of the development and shall include:
  - i) a scale plan showing the position of every tree and Pembrokeshire Hedgebank on the site and on land adjacent to the site (including street trees, trees on hedgebanks and trees whose canopies overhang the site) that could influence or be affected by the development, indicating which

- trees and sections of Pembrokeshire Hedgebank are to be removed and/or translocated;
- ii) 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;
  - iii) and in relation to every existing tree identified to be retained and/or translocated on the plan referred to in (i) 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).
  - iv) areas of existing landscaping to be protected from construction operations and the method of protection also including:
    - the protection of retained sections of Pembrokeshire Hedgebank
    - finishes to any breach made to Pembrokeshire Hedgebanks
- 6) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), any electricity or telephone supplies to the site shall be by underground cables.
- 7) Before any construction work is commenced adequate and suitable areas shall be provided within the site for the 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.

- END -



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/05/17

gan Alwyn B Nixon BSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 01.08.2017

## Appeal Decision

Site visit made on 17/05/17

by Alwyn B Nixon BSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 01.08.2017

**Appeal Ref: APP/L9503/C/17/3171427**

**Site address: Land adjacent to Maes-yr-helyg, Mynachlogddu, Clunderwen, Pembrokeshire 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 appeal is made by Mr Gordon Watson against an enforcement notice issued by Pembrokeshire Coast National Park Authority.
- The enforcement notice, numbered EC15/0111, was issued on 15 February 2017.
- The breach of planning control as alleged in the notice is without the benefit of planning permission, the making of a material change of use of the land by placing a large shipping/lorry container for storage of building materials and the depositing of building materials/rubbish.
- The requirements of the notice are (i) cease the unauthorised use of the land for the siting of a storage container; and (ii) permanently remove from the land the container and all associated building materials and rubble and restore the land to its former condition.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended. 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 Act as amended does not fall to be considered.

### Decision

1. The appeal is dismissed and the enforcement notice is upheld.

### Reasons

2. The appeal is made on ground (c) only, which is that the matters specified in the notice do not constitute a breach of planning control. In short, the appellant argues that the development constitutes a temporary use of the land whilst building operations are being carried out on the adjoining land, and that as such it comprises permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO).
3. The land is a small rectangular piece of ground which adjoins a fairly recently-constructed dwelling named Maes yr Helyg and its associated curtilage. The appellant purchased the land on which Maes yr Helyg stands in 1988 and commenced building the dwelling in 1999. During construction of Maes yr Helyg the notice land was used first to accommodate spoil from the foundation excavations of the building and then to store building materials and equipment. The appellant states that over 7 years ago he



prepared a hard stand area on the plot and placed a lorry body on it to temporarily store building materials and equipment.

4. The notice land lies on the north-east side of Maes yr Helyg. The construction of Maes yr Helyg was completed some time ago, and the dwelling has subsequently been sold and is occupied. Land on the south-west side of Maes yr Helyg has been retained by the appellant and is currently being used to construct a second dwelling, Golwg y Cwm. However the notice land does not adjoin this land.
5. At the time of my visit the lorry body container was still on the land and being used to store building materials, tools and equipment. Various other items of building materials and equipment were also present on the ground around the lorry body. The land is also being used to accommodate a heap of stockpiled material, now somewhat overgrown, evidently arising from the groundwork excavations for Golwg y Cwm.
6. Sch. 2(4) Class A of the GPDO permits "the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land". Sub-section A.2 Conditions states that development is permitted subject to the conditions that, when the operations have been carried out – (a) any building, structure, works, plant or machinery permitted shall be removed, and (b) any adjoining land on which development permitted has been carried out shall be reinstated to its former condition as soon as reasonably practicable.
7. Having regard to the specific provisions of Sch. 2(4) Class A of the GPDO and the conditions which apply, it is clear that whilst the temporary use of the notice land for the placement of the storage container and for works comprising the stockpiling of excavated materials and storage of building materials in connection with the construction of Maes yr Helyg may have been permitted under the GPDO for the duration of the construction period, such permission would no longer apply after the duration of the development operations concerned. The argument that continued use of the notice land for similar purposes in connection with the construction of Gowg y Cwm is likewise permitted development does not succeed, because the notice land does not adjoin the land on which these subsequent building operations are being carried out. The Golwg y Cwm land is separated from the notice land by the now independently owned and occupied house Maes yr Helyg and its associated curtilage.
8. It is also argued that the change of use is not material and so is not development. I do not agree. The land was evidently formerly agricultural; that is the lawful use which it has retained following expiry of the permitted temporary use allied to the construction of Maes yr Helyg. As a matter of fact and degree the current use has plainly materially altered the land's character.
9. Although the appellant complains of a lack of clear communication and advice from the local planning authority concerning its decision to pursue enforcement action, none of this alters the fundamental point that any earlier permitted development right to use the enforcement notice land temporarily in connection with the construction of Maes yr Helyg ceased with the completion of that development; and that a similar right in respect of the land does not exist in connection with the building operations at Golwg y Cwm because the land does not adjoin that development site.
10. For the reasons given, ground (c) fails and I dismiss the appeal.

*Alwyn B Nixon*

**Inspector**