

# DEVELOPMENT MANAGEMENT COMMITTEE

20 September 2017

Present: Councillor R Owens (Chair)

Mr A Archer, Mrs D Clements, Councillor K Doolin, Mrs G Hayward, Dr R Heath-Davies, Mrs J James, Councillor M James, Councillor P Kidney, Councillor PJ Morgan, Councillor A Wilcox, Councillor M Williams and Councillor S Yelland

[Llanion Park, Pembroke Dock 10.00am – 11.45am]

## 1. Apologies

Apologies for absence were received from Councillor P Baker, Councillor M Evans, Ms C Gwyther, Councillor P Harries and Mr AE Sangster.

## 2. Disclosures of interest

There were no disclosures of interest.

## 3. Minutes

The minutes of the meeting held on the 9 August 2017 were presented for confirmation and signature.

It was noted that on page 7, paragraph 4, the minutes should have referred to the developer having initially proposed 2 units of 2 bedroom semi-detached houses in addition to the 4 units of 1 bedroom flats.

It was **RESOLVED** that the minutes of the meeting held on the 9 August 2017 be confirmed and signed subject to the above amendment.

**NOTED.**

## 4. Right to speak at Committee

The Chairman informed Members that due notification (prior to the stipulated deadline) had been received from interested parties who wished to exercise their right to speak at the meeting that day. In accordance with the decision of the National Park Authority of 7<sup>th</sup> December 2011, speakers would have 5 minutes to speak (*the interested parties are listed below against their respective application(s), and in the order in which they addressed the Committee*):

Reference number	Proposal	Speaker
NP/16/0647/FUL <i>Minute 6(a) refers</i>	The conversion and extension of existing redundant buildings to two	Jennifer Sutton, objector Andrew Vaughan-



	holiday let cottages (additional to two existing holiday lets) and the replacement of the authorised residential caravans with linked managers dwelling – Manor Farm, Lydstep	Harries, supporter Cllr Ray Hughes, Community Council
NP/17/0127/FUL <i>Minute 6(b) refers</i>	One Planet Development for single household. Retention of temporary caravan – Willow Farm, North of Rock Farm, Cowpark Lane, Manorbier Newton, Tenby	Cllr Ray Hughes – Community Council Suzanne Scale Pearton, representing the applicant
NP/17/0389/CLE <i>Minute 6(c) refers</i>	Certificate of Lawfulness for mobile home – Land at Elm House, Jameston	Michael Howlett, Agent

## 5. Members' Duties in Determining Applications

The Solicitor's report summarised the role of the Committee within the planning system and stated that planning decisions had to be made in accordance with statutory provisions and the adopted Local Development Plan unless material considerations indicated otherwise. It stressed that non-material considerations had to be disregarded when taking planning decisions and stated that personal circumstances were only very rarely material to planning decisions. The duty of the Authority carry out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015 and the Planning (Wales) Act 2017 Part 2 was also highlighted. Provided members applied the Planning Acts lawfully and in a fair and impartial manner they would also comply with the Authority's duties under the Human Rights Act 1998 insofar as it applies to planning decisions. It was also important that Members applied the guidance contained in the Authority's Planning Code of Good Practice while carrying out their statutory duties.

### NOTED

## 6. Report of Planning Applications

The Committee considered the detailed reports of the Development Management Team Leader, together with any updates reported verbally on the day and recorded below. The Committee determined the



applications as follows (*the decision reached on each follows the details of the relevant application*):

- (a) REFERENCE: NP/16/0647/FUL  
APPLICANT: Mr J Meyrick  
PROPOSAL: The conversion and extension of existing redundant buildings to two holiday let cottages (additional to two existing holiday lets) and the replacement of the authorised residential caravans with linked managers dwelling  
LOCATION: Manor Farm, Lydstep, Tenby

This application was reported to the Committee as the recommendation of officers was contrary to that of Manorbier Community Council.

It was reported at the meeting that the applicant had withdrawn the element of the application relating to manager's accommodation, and the proposal was solely for the conversion and extension of outbuildings to form holiday let units. A further letter had been received expressing concern over the safety of vehicle movements at the site and highway safety, however these points had been addressed in the report. The recommendation remained one of approval subject to conditions, however conditions 2, 4, 5, 6, 14 and 15 would either be changed or omitted as a result of the withdrawal of the manager's accommodation.

The proposed works to the outbuildings would create 2 units, the first would be largely a conversion of the existing fabric, with the addition of a small lean to and a modest lean-to extension to the front. Unit 2 was linked by a small single storey section which would have a new pitched roof. A two-storey extension was proposed to this unit, which was designed to have accommodation that could be accessed by disabled visitors.

It was reported that Policy 7 of the Local Development Plan prioritised affordable housing over other residential uses. For holiday let accommodation, Policy 37 advised that conversions could be supported provided that there was no affordable housing need or that the building was not suitable for affordable housing. While there was a demand for affordable housing in the Manorbier Community Council area, in this instance, the accommodation would be as a result of conversion, and would be adjacent to two existing holiday lets. The nature of the development was weighted towards supporting an existing holiday let business and it was considered that an affordable dwelling would not be a compatible use within such a complex. Officers considered that the conversion would not harm the character and appearance of the range. The justification for the proposed extension to unit 2 was that the



extension would allow for specific disabled holiday accommodation to be provided, for which there was a demand in Pembrokeshire.

With regard to access and parking, the Highway Authority had recommended conditional consent, noting that with the last 10 years the access had been widened to improve visibility. They also advised that the traffic associated with farm use of the site was considered to be equivalent to that which would result from the proposed uses.

In conclusion, officers considered that, subject to the relevant occupancy conditions, the proposal would be in accordance with national and local planning policy and could be supported subject to the conditions set out in the report and as amended at the start of the meeting.

The first of three speakers was Jennifer Sutton who was objecting to the application. Her main concerns related to safety as she considered the entrance to have restricted views both in and out of the property. She therefore believed that an increase in the number of vehicles would only increase the risk of serious accident. She pointed out that the occupiers of a cottage on the opposite side of the road had been prevented from increasing the size of their gateway, it being restricted to pedestrian use only. Ms Sutton did not believe that the proposals would bring any enhancement to the village which already contained two caravan sites. She also felt that the visitors to the units would impact on privacy.

The second speaker was Mr Andrew Vaughan-Harries, the agent. He confirmed that the application had been amended to withdraw the manager's accommodation. He described the development as a collection of attractive traditional outbuildings in the heart of Lydstep, and visitors currently staying at the farm were concerned about their look as well as the health and safety risk posed by them. He believed that the scheme enhanced the buildings while keeping their character and enhancing the tourism offer, particularly through the delivery of a disabled unit. The agent acknowledged that the key was whether or not the access was suitable; he believed that to the west there was reduced visibility because of a bend, and agreed that in an ideal world sight lines and pavements would be provided, however 10 years ago the access had been widened and the walls set back. He felt that 'over-designing' the access could harm the setting of the National Park in a small village like Lydstep. He believed that the Highway Engineers had taken a common sense approach in considering that two more holiday units were not deemed a significant risk to health and safety. He also pointed out that officers were happy with the scheme which fitted in with its ethos of saving buildings and boosting tourism.



Members asked Mr Vaughan-Harries about drainage at the site, and he replied that there would be a connection to the mains sewers with surface water routed around the site to soakaways as a result of proximity to neighbouring properties. He confirmed that slate would be salvaged where possible and his client was happy to work with officers regarding new materials. With regard to an affordable housing contribution, he understood that this had not been requested as the scheme would lead to the creation of jobs.

The final speaker was Community Councillor Ray Hughes, who explained that the Community Council had recommended refusal of this application due to issues of highway safety, infrastructure, utilities (sewerage), greenbelt and affordable housing. Of particular concern was the request for an additional nine car parking spaces, which would double that which currently existed. He stated that the entrance when turning right was a blind corner, which the Community Council believed was an accident waiting to happen, particularly if visitors didn't know the road, and asked whether a traffic report was available. With regard to affordable housing, Policy 45 stated that sites of two or more dwellings required a contribution, and questioned why this had not be requested. He concluded that safety was of such a concern to the Community Council that they asked Members to consider a site visit.

Officers responded that the Highway Authority was a statutory consultee and had recommended conditional consent as noted earlier in the meeting. With regard to roofing material, it was considered that retention of natural slate was covered by condition 6.

As it was important to find an alternative use for what Members considered to be lovely old buildings, they believed that conversion to holiday units would complement the existing business. The recommendation of approval was therefore moved and seconded.

However one Member said that while the development would be good for the local pub and the shop, he appreciated the concerns of the Community Council regarding the bend, which he described as more than gentle, which followed quite a fast straight piece of road. He proposed a site visit, however this was not seconded.

**DECISION: That the application be approved subject to conditions, amended as set out at the beginning of the meeting, relating to timing, accordance with plans, construction method statement, occupancy, external materials, obscure glazing, parking and turning, ecological mitigation, external lighting, surface water and archaeology.**



- (b) REFERENCE: NP/17/0127/FUL  
APPLICANT: Dr M Pearton  
PROPOSAL: One Planet Development for single household.  
Retention of temporary caravan  
LOCATION: Willow Farm, North of Rock Farm, Cowpark Lane,  
Manorbier Newton, Tenby

It was reported that planning permission was sought for a single household One Planet Development (OPD) comprising a detached dwelling, small barn, animal housing, polytunnel, a reed bed system and a parking/turning area.

OPD was specifically different to traditional rural enterprises in the open countryside in that these developments took into account an entire lifestyle and required applicants to be broadly self-sufficient in terms of food, income, energy and waste assimilation on their land. They were also required to demonstrate a low Ecological Footprint for the development. National guidance provided detail on the level and form of information required to be submitted within an application including how the applicant's requirements could be obtained directly from their land. This took the form of a management plan.

The applicants had divided the site into sectors which were interrelated and designed on permaculture principles, and details of these were set out in the report. The applicant had advised that they would grow 60% of their food in a dedicated vegetable plot, orchard and forest garden, with the remainder sourced using income derived from the sale or barter of their produce grown/reared on site. The land based income would be based on willow production, gourmet garlic, gourmet mushrooms, sales at local markets, beekeeping/honey and courses/consultancy.

Officers considered that overall, the applicant had put forward a detailed management plan which adequately covered the criteria set out in the TAN 6 Practice Guidance. This would be re-assessed each year to ensure that the required targets were being met and that the development was not having an adverse environmental impact. The applicant had also provided an exit strategy which detailed that, should the OPD fail, the dwelling and structures could be easily removed.

The application was before the Committee as the officer recommendation was contrary to that of Manorbier Community Council. Officers had carefully considered their concerns which related to the viability of the project, that the land was subject to severe flooding and the sporadic nature of the development outside of the Local Development Plan. The applicant had provided further information to address these concerns,



however having considered it, the Council had re-iterated its earlier decision.

Officers had carefully considered the proposed OPD against the relevant national and local policy frameworks. The proposed management plan was considered to adequately address the requirements for an OPD in the open countryside and as such could be supported. The application was therefore recommended for approval subject to conditions.

At the meeting, information was circulated by the applicant to address concerns regarding surface water flooding, showing that this was limited to distinct areas of the site. A letter of support had also been received from a local ecologist which stated that the plans would improve what was a species poor habitat and enhance its biodiversity. This in turn would enhance the National Park.

The first of two speakers was Community Councillor Ray Hughes. He noted that the Community Council had not considered an application of this sort and complexity previously but had looked at the documentation and the applicants had spoken to them. However Community Council members remained concerned about the probability of flooding on the land at Willow Farm, which they had seen at first hand, the small size of the holding and its ability to support the development, as well as issues of animal welfare as the costs of sustaining animals through the winter (food, bedding, etc) did not appear to be included in the management plan.

The second speaker, Suzanne Scale Pearton was representing the applicant. She confirmed that the focus of the holding would be on horticulture, rather than animal farming, and noted that the pony was not essential to its operation. They intended to produce a wide range of produce using permaculture, working with nature. As an enterprise of some sort was needed, they would grow wild mushrooms and garlic, both high value products with a high profit margin and these would not be in direct competition with other producers. Ms Pearton explained that they had spent a long time considering the guidance and researching the land and the One Planet Development way of life. Advice had been received from several sources, and the submitted management plan was the result. She considered this to be comprehensive, robust and achievable.

Turning to the concerns of the Community Council, Ms Pearton believed these had been addressed fully: the pond and other areas liable to flood were outside of the development area, and Natural Resources Wales had confirmed that as the main part of the site was outside the flood zone it was not of concern to them; they had also issued a permit for discharge of grey water. With regard to the size of the site, the applicants believed this would meet the needs of the household as well as providing a small profit



to cover their basic needs – it was not an agricultural enterprise looking for profit. She explained that they were a self-sufficient family which was trying to live in a sustainable way with minimum impact on the land. They wanted to reduce their carbon footprint and increase the biodiversity of the site as well as providing education for local schools and groups and encouraging access for those with disabilities. They had a young family and wanted to integrate into the community with their children attending the local school. They hoped that the area would be one the Authority would be proud of.

Members asked Ms Pearton a number of questions. In response she explained that the family was committed to the OPD way of life, with her partner having given up his job. Turning to the land, the wet area formed only part of the site and this would be used for willow production with the sectors the family would live on and cultivate being much higher. The willow was growing well and while it might initially be necessary to source additional willow from other places, the management plan allowed 5 years to reach maximum production. It was intended to use 50% of what was produced for biomass and the other 50% for decorative willow products. The garlic would be grown in the family vegetable plot and sold locally through farmers' markets and to local businesses, together with other surplus produce from the land. Ms Pearton confirmed that the training and consultancy courses would take place only when other aspects of the site were established, and these could be run in the local hall, for example, due to the lack of parking at the site, although it was well served by public transport.

At Members' request, the officer explained that the management plan set out details of the exit strategy, which required the applicant to remove all buildings and to return the land to its original state in the event that after five years the required targets were not met or where the applicant no longer wished to continue the development. With regard to flooding, she advised that officers believed the site had been designed to accommodate the ground conditions with the main activity taking place on the higher, dryer land; Natural Resources Wales had raised no objections. The officer added that the management plan was clear that the focus of the development was horticulture, however account was also taken of the needs of animals.

One Member expressed reservations about the development, knowing personally how the area flooded, and fearing that the site could experience problems in the future. Another Member commended the officer on her detailed and thorough assessment of the application. He suggested that if permission were granted, additional conditions to cover occupancy of the site, monitoring and the exit strategy as well as removal permitted development rights in respect of agricultural buildings and





microgeneration equipment could be imposed. Other members agreed that careful consideration needed to be given to the annual monitoring reports to ensure that the targets were being met and provide an early warning of problems. The Solicitor advised that these matters could be covered in valid planning conditions and, taking account of Members' concerns, suggested that the detailed drafting of the conditions be delegated to officers to formulate.

**DECISION: That the application be approved subject to conditions relating to timing, accordance with the Management Plan and exit strategy, submission of annual monitoring reports, construction method statement, removal of permitted development rights, limiting the occupation and external illumination.**

- (c) REFERENCE: NP/17/0389/CLE  
APPLICANT: Mr S Lewis  
PROPOSAL: Certificate of lawfulness for a mobile home  
LOCATION: Land at Elm House, Jameston

It was reported that it was not usual for an application for a certificate of lawfulness to be brought before the Committee, however it was being done in this case at the request of a Member. For a certificate of lawfulness to be granted in respect of a material change of use, an applicant had to demonstrate, on the balance of probability, that the use had been continuous and without interruption for a period of at least 10 years (unless the change of use was to be a building, within which the definition of a caravan was not considered to fall).

In support of the application, the applicant had submitted evidence as set out in the report. This indicated that the caravan had been installed in 2010 and occupied by the applicant intermittently since that time. Officers had therefore concluded that the information included within the application was considered to be insufficient to justify the grant of a certificate in this instance.

It was further reported at the meeting that since preparing the report a response had been received from Manorbier Community Council recommending refusal of the application.

There was one speaker, the agent Mr Michael Howlett. He acknowledged that the application did not necessarily fit with the requirements for a certificate of lawfulness, however he wished to focus on sustainability as the central theme in Welsh Government planning policy, and he quoted the definition of this as set out in Planning Policy Wales. This often resulted in dense urban living and greater use of weed killers and pesticides on land to give higher yields for lower prices with a resulting



decline in native species. Planning Authorities could do little to control the way agricultural land was managed, however his client was trying to reverse this trend on his land which he wanted to develop as an educational resource for schools. The agent claimed there was an obsession with settlement boundaries; relocation of the caravan within them in this case would require the applicant to bulldoze his parents garden and install a new caravan, which would surely not be more sustainable. Neither, he suggested, would commuting to the site from Pembroke Dock, which was another option for his client. He stressed that his client was not after personal gain and was happy for any permission to restrict use to certain months of the year or to be temporary, but asked that officers find a way to work with him. He concluded by saying that it was hard to give an impression of what the site had achieved and he invited Members to see it in person.

The Solicitor reiterated that it was unusual for an application for a certificate of lawfulness to come before the Committee, as it was an exercise that involved balancing the factual evidence.. If there was insufficient evidence to pass the tests, there was no entitlement for a Certificate. It was a legal exercise with no further discretion available to the Members, unlike the balancing of material considerations in determining a planning application. In this case the evidence had been evaluated both by the planning officers and the legal advisers who were agreed on the decision. If the Certificate was refused the applicant was free to submit a planning application. The advice on the test to be applied here was endorsed by the Monitoring Officer.

At the request of a Member, Councillor Kidney acknowledged that he had asked for the application to come before the Committee, and it was further requested that the name of the Member making such a request be stated in the report in future.

Councillor Kidney hoped that a way could be found to work with the applicant in this case. However other Members agreed that there was insufficient evidence to grant a certificate of lawfulness and a motion of refusal was moved and seconded.

**DECISION: That the level of evidence from 2010 to the present day was insufficient to justify the grant of a Certificate of Lawfulness of an Existing Use for the caravan as a residential unit and that the application be refused.**

**7. EC17/0025 – Land at Whitewell Caravan Park, Penally, Tenby**

It was reported that planning permission had been granted in 2015 (NP/14/0713) for “Change of use to provide 17 static pitches, 16 touring pitches & 10 tent pitches (total 43) to replace 20 touring pitches & 30 tent



pitches (total 50). ”. It appeared that Condition 10 of this planning permission had not been complied with as there had been camping in the two southern fields without specific planning permission being obtained.

A Breach of Condition Notice had been issued requiring cessation of camping on the two southern fields by 16 August 2017, however at visits on 21, 25 and 27 and 29 August 2017 camping had been observed in the prohibited area. At the time of writing the report, the breach had still not been remedied.

Officers considered that the Authority had a statutory duty to ensure that development did not damage the natural beauty, character and special qualities of the National Park. Condition 10 was attached to planning permission NP/14/0713 to to protect the character and appearance of the National Park in accordance with Policies 1 (National Park Purposes and Duty), 8 (Special Qualities) and 15 (Conservation of the Pembrokeshire Coast National Park) of the Local Development Plan. The breach of condition 10 resulted in a harmful impact on the character and appearance of the National Park and, as such, the development failed to comply with the aims of the Local Development Plan. It was recommended that officers be authorised to commence prosecution proceedings in the Magistrates Court for non-compliance with the Breach of Condition Notice.

Members supported the officer recommendation, agreeing that it was critical that applicants complied with conditions that were imposed. Another Member added that concerns had been expressed at the time of the grant of this planning permission, however the development had been allowed only because of the conditions imposed.

It was **RESOLVED** that the Chief Executive/Director of Park Direction/Team Leader Development Management be authorised to instruct solicitors to commence prosecution proceedings in the Magistrates Court for non-compliance with the Breach of Condition Notice (EC17/0025) on separate dates of 21st/ 25th/ 27th and 29th August 2017 (being 4 separate counts) and further authorised to seek such other legal remedies as may be available and expedient for securing the objectives of the Breach of Condition Notice.

## 8. Appeals

The Development Management Team Leader reported on 7 appeals (against planning decisions made by the Authority) that were currently lodged with the Welsh Government, and detailed which stage of the appeal process had been reached to date in every case.



Appeal decisions were attached to the report for land adjacent to Villa St Helens, Wisemans Bridge (allowed), Keepingstone, Feidr Ganol, Newport (allowed) and land next to Maes-yr-Helyg, Mynachlogddu (dismissed).

It was noted that since writing the report an appeal had been lodged regarding Units 1-3 South Parade, Tenby (Domino's Pizza). This had been refused contrary to the officer recommendation, so volunteers were sought for Members willing to defend the decision. The hearing would take place on 5 December. Councillors D Clements, P Kidney and M Williams agreed to help.

**NOTED.**

**9. Good wishes**

The Chairman wished the Director of Planning a speedy recovery following her recent accident.

