

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:-

NP/16/0603/CLE Slurry lagoon & silage clamps – Trewern, Felindre Farchog.
Type Inquiry
Current Position The initial paperwork, statement of case and evidence has been submitted to the Planning Inspectorate. A Public Inquiry took place on 3rd October 2017.

NP/17/0178/FUL Change of use from A1 (retail) to A3 (hot food takeaway) – Units 1 – 3 South Parade, Tenby
Type Hearing
Current Position The initial paperwork has been submitted to the Planning Inspectorate and the hearing took place on 5th December 2017.

NP/17/0208/OUT Development of 2 x residential private dwelling houses of the (dormer) bungalow variety, with associated domestic curtilage space, facility for car access & parking, curtilage garden
Type Written Representation
Current Position The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.

EC16/0117 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
Type Written Reps
Current Position The appeal was upheld on all grounds other than Ground G and a copy of the decision is attached for your information.

EC16/0044 Alterations to a listed building – Medical Hall, Tenby
Type Written Reps
Current Position The initial paperwork has been submitted to the Planning Inspectorate.



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 20/12/17

gan Richard Duggan BSc (Hons)
DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11.01.2018

Appeal Decision

Site visit made on 20/12/17

by Richard Duggan BSc (Hons) DipTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11.01.2018

Appeal Ref: APP/L9503/A/17/3186699

Site address: Ar Lan Y Mor, Golf Course Road, Morfa, Nevern SA42 0NR

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 Ms Rosalind McGarry against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/17/0208/OUT, dated 27 March 2017, was refused by notice dated 23 June 2017.
- The development proposed is described as "development for x2 residential private dwelling houses, of the (dormer) bungalow variety, with usual associated domestic curtilage space, providing facility for car access and parking, curtilage garden."

Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline with all matters reserved for later determination. I have dealt with the appeal on this basis, treating the layout plan as indicative.
3. A draft Planning Obligation under Section 106 of the Town and Country Planning Act, 1990 (as amended) has been submitted by the Appellant which contains a clause intended to provide one affordable dwelling within the proposed development. The Planning Obligation is in draft and is incomplete, therefore, I have determined the appeal on the basis that there is no means of securing the provision of the affordable dwelling. As I have dismissed this appeal for other reasons I have not sought the submission of a completed version of the Planning Obligation. This issue is discussed later in this decision.

Main Issues

4. The main issues in this case are:
 - the effect of the development on the character and appearance of the area and on the special qualities of the National Park (NP);
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- whether future occupants of the development proposed would be provided with adequate opportunity to travel by means other than the private car, so contributing to sustainable patterns of development; and
- whether the proposal would conflict with policy requirements relating to affordable housing provision.

Reasons

Character and appearance

5. The appeal site is located outside any settlement boundary and thus, for the purposes of planning policy, it is within the open countryside where development is strictly controlled in the interests of sustainable development. It 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.*"
6. The NP is a living and working landscape where only limited development is allowed to help to contribute to the quality of life for its communities and visitors. In this context the Pembrokeshire Coast National Park Local Development Plan (LDP) Policy 7 sets out the circumstances where development would be permitted in the countryside. Policy 7 states, amongst other things, 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 and the pattern of development in the area.
7. This policy is consistent with the objectives of PPW which indicates that sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area.
8. The appeal site is accessed via a narrow lane that leads from the nearby golf club car park, and which provides access to a number of large detached houses which have formed in a linear pattern along the lane. The site is a generous area of steeply sloping land sited in an elevated position overlooking the fairways of the golf club and the coastal bay of Newport.
9. It was evident on my visit that the houses along the lane are mostly single-storey or dormer bungalows and are divided into three distinct groups. The first group starts to the south of the new apartments at the golf club and finishes with the dwelling known as 'Baptiste', all of these houses are located to the west and below the access lane. There is a gap to the second group which consists of two dwellings known as 'Fairways' and 'Swn Yr Wylan' which are sited to the east and above the lane. The appeal site then forms a substantial gap to the third grouping of dwellings starting at Berry Lodge.
10. Having regard to these distinct groupings and the considerable size of the appeal site which has a frontage of approximately 73 metres, the appeal site does not comprise an infill plot in the sense that it would fill a gap in an otherwise developed frontage. Notwithstanding the relatively close presence of 'Fairways' and 'Swn Yr Wylan' to the north, I find that the development of two houses on this site would constitute a significant visual incursion into a large area of open land that provides a visual break

and a sense of openness between Swn Yr Wylan and Berry Lodge. Despite the potential for mitigating landscaping on the site and the dwellings are proposed to be dormer bungalows, the development would be highly visible from long distant views, including viewpoints along the coastal path, the beach and car park close to Newport Surf Life Saving Club and the area surrounding Newport Boat Club.

11. Overall, it would be seen as an inappropriate form of development in an elevated and visually prominent location with consequent harm to the character and appearance of the area and the special qualities of the NP. Therefore, the development would conflict with Policy 7 of the LDP.

Accessibility

12. I observed that the options for travelling without the use of a car are somewhat limited, not least due to the relatively isolated location of the site. It is evident that local services and facilities are located at Newport, which at its nearest point is some 1.4 km walk away via the shortest footpath link along the Afon Nyfer and across 'Iron Bridge'. Whilst I note that the Appellant considers the appeal site to be in close proximity to Newport and there would be opportunities for future occupiers to walk, cycle or even travel across the estuary by using their own boat or other type of inflatable craft, I am not convinced that these would be practical or attractive solutions to those living in the properties, especially during periods of inclement weather or throughout the winter period.
13. There are no regular buses that run close to the appeal site towards Newport, although the site is served by the Poppit Rocket bus service which provides a limited service and would give some opportunities to use public transport. However, such an arrangement would not adequately cater for the day to day needs of the future occupants of this development without significant reliance on the car as a means of travel. Accordingly, any future occupiers of the dwellings would not have adequate accessibility, via sustainable modes of transport, to local centres, services and facilities to meet their day to day needs. In this regard, the development would conflict with Policies 7 and 52 of the LDP.
14. The thrust of national planning policy seeks to create balanced sustainable rural communities, with new development located within and adjoining those settlements where it can be best accommodated in terms of infrastructure and access. I therefore consider that the proposal would be at odds with the objectives of PPW insofar as it would be located outside of a settlement and would be inadequate in terms of its accessibility by non-car modes.
15. The Appellant has cited residential developments approved in Moylegrove and Glanrhyd and two previous appeal decisions¹, to which I have had regard. However, I do not have the full details of these schemes and so cannot be sure that they represent a direct comparison to the appeal proposal. In any event, each case has to be determined on its own particular planning merits, therefore, I have given these cases little weight in my determination of this appeal.

Affordable housing

16. Policy 45 of the LDP seeks 50% affordable housing to meet an identified need on developments of two or more dwellings. The LDP is supported by Supplementary Planning Guidance on Affordable Housing adopted in November 2014, which provides

¹ P25/430 and APP/L9503/A/08/2082198

further advice and guidance to applicants on the provision of affordable housing. There is no dispute that there is a need for affordable housing in the local area and the provision of affordable housing is therefore of considerable importance.

17. In this respect, the Appellant has stated that one of the two units is proposed as an affordable dwelling for her daughter and her family and has submitted a draft Section 106 (S106) Agreement with this appeal. However, the S106 is in draft and is incomplete as it contains gaps and deficiencies including being undated and not being signed, therefore, it has no legal effect. As such, the proposed development fails to comply with Policy 45 of the LDP.

Conclusions

18. 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.
19. I have had regard to other evidence submitted by the Appellant in support of the proposal, however, these matters do not affect my findings on the main issues.
20. For the reasons given above I conclude that the appeal should be dismissed.

Richard Duggan

INSPECTOR



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 31/07/17

Site visit made on 31/07/17

**gan Declan Beggan Bsc (Hons) MSc
DipTP DipMan MRTPI**

**by Declan Beggan Bsc (Hons) MSc DipTP
DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 04/12/17

Date: 04/12/17

Appeal Ref: APP/L9503/C/17/3176032

**Site address: Rhosson Car Park, Rhosson Chapel, St. Justinans, St. David's, SA62
6PY**

**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 Act).
- The appeal is made by Mr Rhys Price against an enforcement notice (EN) issued by Pembrokeshire Coast National Park Authority.
- The Council's reference is EC16/0117.
- The notice was issued on 20 April 2017.
- The breach of planning control as alleged in the notice is 'without planning permission the carrying out of development by the making of a material change in the use of the land from use for agriculture to a car park together with the installation of a car park payment machine and the laying of hardstanding ("the unauthorised development"). The position of the car park payment machine is shown red on the photograph appended hereto. It is considered the installation of the car park payment machine and the laying of hardstanding is integral to, or part and parcel of, the unauthorised change of use of the land to a car park'.
- The requirements of the notice are:
 - (i) Cease the use of the land as a car park and remove from the land all vehicles brought onto the land;
 - (ii) Permanently remove from the land the car park payment machine and all associated equipment;
 - (iii) Remove the hardstanding from the land; and,
 - (iv) Reinstate the land to grass.
- The period for compliance with the requirements is four weeks for nos. (i) & (ii) and twelve weeks for nos. (iii) & (iv) from the date the EN takes effect.
- The appeal is proceeding on the grounds set out in section 174(2), (a), (d), (f) and (g) of the Act. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act falls to be considered.

Decision

1. The appeal is allowed on ground (g) only.
2. I direct that the enforcement notice be corrected as follows:

Paragraph 3 shall read 'Without planning permission, the carrying out of development by the making of a material change in use of the land from use for agriculture to car

park together with the installation of a car park payment machine (s) and the laying of hardstanding ("the Unauthorised Development").

It is considered that the installation of any car park payment machine and the laying of hardstanding is integral to, or part and parcel of, the unauthorised change of use of the land to a car park'.

Paragraph 5 (ii) shall read, 'Permanently remove from the land any car park payment machine and all associated equipment'.

The third line of Paragraph 6 shall read, 'permanently remove from the land any car park payment machine and'

3. In addition I direct that the enforcement notice be varied as follows:
 - a) Substituting 'eight weeks' for 'four weeks' as the time for compliance as set out in paragraph 6 of the EN which relates to requirements (i) & (ii) as referred to in paragraph 5 of the EN
 - b) Substituting 'twenty four weeks' for 'twelve weeks' as the time for compliance as set out in paragraph 6 of the EN which relates to requirements (iii) & (iv) as referred to in paragraph 5 of the EN.
4. Subject to the above corrections and variations the EN is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matter

5. The allegation stated in the EN refers to a car park payment machine shown as circled red on an attached photograph. The ticket machine operating on the site is now positioned in a different location to that identified; the identified payment machine is no longer in operation. As a separate machine has been located within the site in a different position to that identified in the EN, I have powers under section 176 (1) of the Act to correct the EN to reflect this fact. Therefore the EN will be corrected to delete any reference to the actual position of the car park payment machine as shown circled in red on the photograph attached to the EN; in addition any reference to a car park payment machine made within the EN shall be made in the plural. Furthermore the requirement to remove from the land the car park payment machine has also been corrected to make reference to the term 'any' machine. I am satisfied that I can make these minor corrections to the EN without causing injustice to any party.

The Appeal on ground (d)

6. The appeal on ground (d) is that at the time the EN was issued, it was too late to take enforcement action against the matters stated in the notice.
7. The appellant argues the hardstanding referred to in the EN was laid to provide vehicular access to an adjacent agricultural building, a campsite and Rhosson Chapel, in addition to the car park. As such it is maintained the hardstanding as an engineering operation that was installed in 2006 is immune from enforcement action.
8. My site inspection revealed that the overwhelming majority of the larger car park contained within the rear parcel of land making up the appeal site was covered in grass albeit for small 'spots' where hardcore has been used to infill ruts along the field which allowed for access to the camp site to the rear and the immediate area where

the main field parcel meets the front parcel of land. As regards the front parcel of land, it was clear that apart from a few peripheral areas, the entirety of land was covered in hardstanding.

9. The appellant has not submitted any substantive evidence that support their stance that the hardstanding areas were completed in 2006. The Authority's evidence indicates the land in question was not in the main subject to a covering of hardstanding. A previous planning application¹ submitted in 2015 for the site to be used as a temporary car park, indicated on the submitted site plan that the larger rear car park area comprised mown and rolled grass 'as existing', in addition to the majority of the front car park, minus an area of land that is described as the entrance area. Therefore upto at least 2015, the appellant's own planning application indicated a lack of hardstanding on the overwhelming majority of the land subject to the EN. There is no substantive evidence before me to indicate that any of the operational development referred to in the EN is immune from enforcement action and therefore the appeal on ground (d) fails.

The appeal on ground (a) and the deemed application

10. The main issues on the ground (a) appeal are:

- The effect of the proposal on the character and appearance of the area with particular regard to the special qualities of the Pembrokeshire Coast National Park (NP); and,
- The effect of the proposed development on the setting of nearby listed buildings.

11. The appeal site, which is agricultural land, is located within open countryside within an area known locally as Rhosson where a number of farmsteads and other buildings are found. To the northern boundary of the site is Rhosson Chapel, a grade II listed building which was formerly in use as a Methodist school room but is now used for holiday accommodation. To the immediate west of the site is a modern agricultural building. The southern boundary of the site is an open field which has a long standing seasonal use for camping purposes, whilst the eastern boundary of the site is flanked by open countryside. The site is accessed from a minor road that runs in a westerly direction to the nearby port of St. Justinian's and to the east towards the City of St. Davids. The site access also serves the agricultural building, and via the appeal site, the seasonal camping site to the rear. As referred to above, the site is loosely split up into two parcels of land. A rear larger parcel is primarily set to grass, whilst, a front smaller parcel next to Rhosson Chapel and adjacent to the road is primarily hard surfaced. To the west of the site is Rhosson Uchaf, a grade II* listed farmhouse.

Character and Appearance

12. The appeal site is located within a nationally valued landscape that has been designated a NP. The Authority refer to a number of policies in the adopted Pembrokeshire Coast National Park Local Development Plan (LDP) in support of its stance that the development to be retained is harmful to the special qualities of the NP.
13. Policy 1 is strategic in nature and states that development within the NP must be compatible with the conservation or enhancement of the natural beauty, wildlife and cultural heritage of the 'Park'. Policy 7 sets out the circumstances where development

¹ Planning application Ref. NP/15/0338/FUL

may be permitted outside of identified centres and refers to proposals for tourist attractions or recreational activity where the need to locate in the countryside is essential. Policy 8 refers to the special qualities of the NP and states, inter alia, that the priorities are to ensure that the sense of remoteness and tranquillity is not lost and is wherever possible enhanced, and that the historic environment is protected and where possible enhanced. Policy 15 refers to conservation of the NP and states that development will not be permitted where this would adversely affect the qualities and special character of the NP by causing significant visual intrusion, be insensitively and unsympathetically sited within the landscape, introduce a use which is incompatible with its location, and fail to harmonise with, or enhance, the landform and the landscape character of the NP.

14. Policy 29 refers to sustainable design and requires development to demonstrate an integrated approach to design and construction. Policy 35 of the LDP relates to the 'visitor economy' and allows development which will attract visitors outside of the peak season while ensuring the NP environment is conserved and enhanced, however criteria d) of the policy which refers to proposals for visitor attractions, recreational and leisure activities outside local service and tourism centres states that such development has to demonstrate why a countryside location is essential; the policy also states that activities that would damage the special qualities of the NP will not be permitted. Policy 52 seeks to ensure that opportunities are taken to improve and promote accessibility, and to reduce the need to travel by car, whilst policy 53 permits development where appropriate access can be achieved. Planning Policy Wales (PPW) refers to great weight being given to conserving and enhancing the natural beauty of National Parks.
15. The appeal site is located adjacent to a minor road, which is a popular tourist route from the historic City of St. Davids to the coastal area of St. Justinian's where a scatter of buildings including the new and old lifeboat stations, a dwelling, a caravan park, and two blocks of car parking spaces are found. From the adjacent road the site is seen as part of the open countryside, notwithstanding the presence of nearby buildings. The appellant states that even when viewed at close quarters from the adjacent road, the car park is not intrusive due to it being enclosed by hedgebanks. I am not persuaded by this argument because at the time of my visit cars parked within the appeal site were clearly visible from the minor road, and also the public footpath running to the north east.
16. Vehicles parked on the land, particularly due to the bright colour of some, were highly visible and intrusive in this relatively unspoilt high value rural landscape. During my site visit the car park was not particularly busy, however, with upto 100 car parking spaces being provided it is highly likely any visual impact is only going to be magnified with the greater number of vehicles that may be present on busier days. Whilst I appreciate the seasonal nature of the business, nonetheless that season runs for a significant period of the year and consequently the detriment caused would be apparent for a substantial and lengthy part of the year. I appreciate that the trees to the boundary of the site may over time provide more screening and this could even be augmented, however, in the early and latter parts of the year when existing trees and hedgerows are not in leaf, cars parked on the site would still be likely to be apparent.
17. The site is located within the Treleddyn-Treginnis historic landscape character area. This historic landscape is characterised by dispersed farms and fields. The development subject to this appeal introduces an urban form of development that is in

contrast to the rural and historic landscape surrounding it and would be detrimental to the rural character of the area with its fields, hedges and farmsteads.

18. The appellant argues that the development is seen in the context of existing built development, however the majority of that development is intrinsic to the rural character of the area; the same cannot be said of the development to be retained.
19. The field to the rear of the site is used for seasonal camping purposes, however, from a number of views along the adjacent road, any activity on that site is not seen in conjunction with the development to be retained.
20. I appreciate the NP has a duty to foster the economic and social well-being of its local communities as per policy 1 of the LDP, however its primary purpose is to conserve and enhance the natural beauty, wildlife and cultural heritage of the Park. It is clear therefore that there is a particular emphasis on avoiding development that would harm the natural beauty of the area. I consider the development to be retained would cause such harm by its intrusion into the rural landscape whose character it would erode. The development to be retained would therefore run contrary to policies 1, 8 and 15 of the LDP.
21. Concluding on this main issue, the proposed development would have a detrimental impact on the character and appearance of the area, and the special qualities of the NP, contrary to identified local and national planning policies that collectively seek to protect natural heritage.

Effect on Listed Buildings

22. The development subject to the EN is located directly adjacent to Rhosson Chapel, a grade II listed building and is in close proximity to Rhosson Uchaf, a grade II* listed farmhouse. Rhosson Chapel dates from the mid 19th century; its simple form and appearance has a modest muted appearance commensurate with its rural setting within the NP.
23. The Act² requires that I have special regard to the desirability of preserving the setting of a listed structure; PPW and Technical Advice Note 24 (TAN 24), 'The Historic Environment' reiterate this stance. Policy 1 of the LDP refers to development being compatible with the conservation and enhancement of the cultural heritage of the Park, whilst policy 8 seeks to ensure the historic environment is protected and where possible enhanced. The Welsh Government publication 'Conservation Principles for Sustainable Management of the Historic Environment in Wales' defines setting as 'the surroundings in which an historic asset is experienced'.
24. The car park wraps around Rhosson Chapel on two sides, and during my site visit I noted that parked cars could be clearly seen from the adjacent minor road with views also evident further afield such as the public footpath to the north east of the site. The listed building is enclosed to its roadside frontage by a low stone wall, whilst to its other sides is bordered by banked hedging where trees have grown. Notwithstanding the fact that the listed building is enclosed by a wall/hedging, it is seen against a wider landscape setting, including the appeal site; that setting has a tranquil, verdant and visually open spacial quality to it, which reflects the wider rural area, despite the presence of other development nearby. To my mind the appeal site makes a positive contribution to the setting and therefore significance of Rhosson Chapel.

² The Planning (Listed Buildings and Conservation Areas) Act 1990

25. I appreciate that the landscaped boundary does to a limited degree assist in screening the appeal site from Rhosson Chapel, however, that screening is virtually non-existent when the appeal site is viewed from the roadside near to its access with both the front and rear car park areas in clear view. Notwithstanding the transitory nature of vehicles being parked on the site, the presence of upwards of 100 vehicles is likely to erode the sense of openness and tranquillity that has historically been a backdrop to the listed structure; the car park's presence is a visual intrusion upon the setting of Rhosson Chapel. The development to be retained would therefore have a significant detrimental impact on the open spacial/visual relationship that has historically existed in the vicinity of Rhosson Chapel and therefore fails to preserve the setting of the listed structure.
26. I appreciate that the Chapel would be seen in some views in conjunction with the seasonal camping site to the rear, however, in terms of the Chapel setting, the site to the rear is set further away and is not apparent from a number of viewpoints.
27. Rhosson Uchaf, a grade II* listed farmhouse dates originally from the 16th or 17th century. It's an attractive two storey structure with whitewashed rubble stone walls, part slate and thatch roofs, and has a particularly impressive chimney breast which is square at the base before tapering in at first floor level to a very large conical stack. Within the local landscape the property is raised slightly above the appeal site, with the front of the property facing towards the car park.
28. The appellant argues that the setting of the listed farmhouse is already influenced by the outbuilding associated with the property and the agricultural shed next to the site, neither of which it is maintained enhance the setting. However the outbuilding associated with the listed property is 'curtilage' listed by virtue of its association with the main house, and with its stone walls and corrugated roof is typical of buildings associated with a farmstead. Similarly the modern agricultural structure next to the appeal site is not unusual in such a rural setting, with views from the farmhouse of the structure partially obscured by the curtilage listed outbuilding.
29. From the front of Rhosson Uchaf, views of the car park are clearly visible. Those views are not limited to the front parcel of land but also include the rear parcel where during my site visit a number of vehicles were parked. Historically the setting of the farmhouse would have been seen against a rural landscape where structures such as the adjacent curtilage outbuilding would have been an ancillary feature; the same cannot be said of the car park to be retained. When viewed from Rhosson Uchaf, the car park, despite having landscaped boundaries was apparent, with its full impact on the setting particularly obvious when in use. On the day of my site visit the front parcel of land had no vehicles parked on it, however, the rear car park area which had vehicles parked on it drew the eye when viewed from the front of the listed property; the front car park in particular appeared utilitarian and urban in nature. The car park was an obvious new addition at odds with the rustic landscape that the listed property has historically been set within i.e. dispersed farms and fields as identified in the Treleddyn-Treginnis historic landscape character area. Notwithstanding its seasonal use, the car park detracts from the rural setting which has been historically associated with Rhosson Uchaf; consequently it fails to preserve the setting as required by the Act.
30. Concluding on this issue, the development subject to this appeal would materially harm the setting of adjacent listed buildings, contrary to the Act, PPW, TAN 24 and policies 1 and 8 of the LDP.

Other Matters

31. The appellant argues the car park supports the local economy through its contribution to tourism; I have no reason to disagree. The appellant also maintains that neither the existing car parks at the harbour or the local bus service can provide a satisfactory and acceptable alternative; I am not convinced.
32. On the day of my site visit there were a number of free car parking spaces at St. Justinian's harbour, whilst the Oriel car park in the nearby City of Davids had ample free spaces available. The operating times of the bus services do not fully coincide with the appellant's business or for the other boat operators, however, based on the submitted timetables for specific boat trips, the bus service runs during the majority of the hours of operation of the various boat operators at St. Justinian's. I appreciate the appellant and other operators run some boat trips outside of the operating times of the bus service, however the numbers of passengers associated with these trips and the extent the appeal business relies on these excursions has not been quantified in any meaningful way. I also appreciate the hours of operation and length of season of the bus services may affect the business activities of the appellant or other operators to some degree, however there is no substantive evidence to indicate that without the car park, the appellant's business or any other business operating from the port would be significantly detrimentally affected, or the continued viability of those businesses would be in serious doubt.
33. It is argued that the existing buses operating on the route are small with a limited seating capacity and they are utilised by people other than those seeking boat trips. Nonetheless, whilst I appreciate the route the bus follows is restricted in nature, I have seen no substantive evidence that some form of larger bus could not be utilised thereby allowing for greater passenger numbers to be carried to meet all local needs, with additional passenger capacity complemented by the existing parking provided at port.
34. Even if I were to accept the arguments put forward in terms of the frequency and capacity of the existing bus service, or its timeliness, nonetheless, I am not fully convinced the appellant has adequately considered other means of transport to meet his business needs. The appellant argues that in the past he has bought his own bus and ran it for one season but this was not economic, however, he produced no substantive evidence in support of this claim or why a dedicated service would not be feasible that could serve the combined needs of all the boat trip operators. I consider that the appellant's case for the car park on the appeal site is based more on convenience than necessity; it has not been shown that it is essential for the proper functioning of the enterprise.
35. I accept that the car park, in the absence of the use of public transport, is likely to reduce traffic congestion from the narrow stretch of road from the appeal site to St. Justinian's, however, any benefits in easing congestion are considered to be slight as those same cars will still travel along the rest of the road leading towards St. Davids which whilst allowing two cars to pass, is nonetheless very restricted in nature and a route, which I noticed during my site visit, was popular with visitors on foot. In the absence of the appeal car park, the existing bus services or a dedicated bus service have the potential to remove a considerable volume of traffic not only from the modest stretch of road leading from the appeal site to the port, but also the much longer length of road leading to St. David's thereby assisting in the aims of a more

sustainable approach to traffic management in the area as advocated by policy 52 of the LDP.

36. I note the support for the retention of the development from various parties and the appellant has also referred to local and national planning policies that seek to support tourism and the local economy. I also note the support from the Royal National Lifeboat Institute. I have taken these and all other matters raised into account but none of these outweigh the considerations that have led me to my conclusions on the main issues.

Overall Conclusion to the ground (a) appeal

37. The development to be retained would be unacceptably harmful to the character and appearance of the area and the NP, and detrimental to the setting of adjacent listed buildings. The benefits claimed do not justify overriding this harm. On balance, the proposal would be contrary to policies of the LDP and national planning policy. For these reasons I conclude that the ground (a) appeal should be dismissed.

The appeal on ground (f)

38. The basis of a ground (f) appeal is that the steps required by the notice exceed what is necessary to remedy the breach of planning control, or, as the case may be, the injury to amenity as set out under section 173 (4) of the Act. In this instance, it is clear from the requirements of the notice that it is directed at remedying the breach of planning control, rather than any lesser steps where the purpose might be only to remedy the injury to amenity. No lesser steps than those set out would achieve the purpose of remedying the breach of planning control.
39. The appellant maintains that should the impact on the setting of the adjacent grade II* listed Rhosson Uchaf be found to be unacceptable, as I have done, then the EN should be amended so that it relates to the front parcel of land only. However I have previously found that the harm to the adjacent listed buildings is derived from the entirety of the site and even if I hadn't found harm to the setting of the listed buildings I still found harm in terms of the impact of the car park on the character and appearance of the area, and the special qualities of the NP.
40. The appellant argues in the event that neither ground (a) or (d) appeals are successful then the EN should be amended to delete reference to the requirements to remove the hardstanding from the land and to reinstate the land to grass. The appellant maintains it is unreasonable and unnecessary to require these steps as the hardstanding also provides access to the agricultural building and to a parking space at Rhosson Chapel. The hardstanding area to the front parcel of land is significant in extent and extends well beyond what would ordinarily be required for access to an agricultural building or a parking space to Rhosson Chapel; in this respect it is not unreasonable that the unauthorised works be removed and the ground be reinstated as per the requirements of the EN. The lesser steps advocated by the appellant have therefore not been justified, and the appeal on ground (f) therefore fails.

The Appeal on ground (g)

41. The appeal on ground (g) is that the time given to comply with the requirements of the EN is too short. The Council has given four weeks for compliance in terms of ceasing the use of the land as a car park and for the removal of any cars, any payment machine and all associated equipment, and twelve weeks for the removal of

the hardstanding and its reinstatement to grass; the appellant considers these timescales unreasonable.

42. The appellant has requested the four week period be extended to allow the companies that use the car park to service boat trips to put alternative arrangements in place. The Authority maintains that as the required works are not significant then the four week timeframe is adequate for the removal of any payment machine and associated equipment.
43. In this instance, I must balance the Council's reason for issuing the EN in the public interest against the burden placed on the appellant. In terms of the four week compliance period referred to in the EN, the use of the car park and any car park payment machines and associated equipment, go hand in hand; in terms of the business operations, the appellant and others have relied for some time on the use of the car park subject to this appeal. All matters considered I am satisfied that the compliance period should be extended. The breach and the harm it causes should not be allowed to continue unduly and I consider an extended period of eight weeks to allow for alternative arrangements to be put in place would strike the right balance; I shall therefore vary the time for compliance with parts (i) & (ii) of the requirements of the EN to allow eight weeks. To this extent the appeal on ground (g) succeeds.
44. In terms of the twelve week period referred to in the EN, the appellant argues such a timeframe is too short given the requirement to reinstate the land to grass, and that seeding is best undertaken in Spring from April onwards; consequently it is argued the EN should be varied to allow for this to occur. The EN was served in the first half of 2017 which allowed a considerable period during the summer and autumn to allow the hardstanding to be removed from the site and for it to be seeded with grass. However, with the submission of the appeal and the period of time that has elapsed there is a reasonable possibility that inclement winter weather may result in any seeding of the grass, as required by the stipulated timeframe, being fruitless.
45. Consequently I consider it reasonable to extend the period for compliance with parts (iii) & (iv) of the requirements of the EN to cover the possibility that poor weather may prevent the required works from being successfully undertaken. Accordingly I consider a timeframe of 24 weeks would be proportionate for compliance with parts (iii) & (iv) of the EN requirements. To this extent the appeal on ground (g) succeeds.

Conclusion

46. For the reasons given above, I conclude that the notice should be varied as regards the periods allowed for compliance, but that subject to this variation, and the corrections previously referred to, I shall uphold the EN, and refuse to grant planning permission on the deemed application.

Declan Beggan

INSPECTOR