

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/17/0551/S73 Variation of conditions 2, 3 & 9 and removal of Condition 10 of NP/14/0713 – Whitewell Caravan Park, Penally

Type Hearing

Current Position The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.

NP/17/0596/CLE Use of the south field known locally as Caldey Acres at Buttyland Caravan & Camping Park as a touring & camping field for up to 140 touring caravans and tents at any one time on a seasonal basis for holiday purposes only 1st March up to 28th September in any one year – Buttyland Caravan & Camping Park, Manorbier.

Type Inquiry

Current Position The initial paperwork has been submitted to the Planning Inspectorate.

NP/18/0151/FUL Retrospective change of use & proposed extension of former Goat Shed/Office to holiday cottage – Pen y Mynydd Uchaf, Dinas Cross

Type Written Representations

Current Position The initial paperwork has been submitted to the Planning Inspectorate.

EC/15/0112 Material Change of use of the Building to use for Residential Purposes – Anti U Boat Listening Station, Garn Fawr, Nr Strumble Head, Pembrokeshire SA64 0JJ

Type Hearing (changed from an Inquiry to an Appeal Hearing)

Current Position The initial paperwork has been submitted to the Planning Inspectorate

THE HISTORY OF THE UNITED STATES OF AMERICA

CHAPTER I

The first part of the history of the United States of America is the history of the thirteen original states. These states were the result of the British colonial system in North America. The British colonies were established in the seventeenth century and grew into thirteen distinct states by the time of the American Revolution in 1776.

The second part of the history of the United States of America is the history of the westward expansion. This expansion was driven by the desire for land and resources. The Louisiana Purchase of 1803 and the Texas Annexation of 1845 were major events in this process.

The third part of the history of the United States of America is the history of the Civil War. This war was fought between the Union and the Confederacy from 1861 to 1865. It was a result of the growing divide over the issue of slavery.

The fourth part of the history of the United States of America is the history of the Reconstruction era. This era followed the Civil War and was a period of rebuilding the South and integrating African Americans into society.

The fifth part of the history of the United States of America is the history of the Progressive Era. This era was a period of social and political reform that began in the late nineteenth century and continued into the early twentieth century.



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 04/09/18

Ymweliad â safle a wnaed ar 04/09/18

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24/09/18

Appeal Decision

Hearing Held on 04/09/18

Site visit made on 04/09/18

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 24/09/18

Appeal Ref: APP/L9503/A/18/3201130

Site address: Whitewell Caravan Park, Tenby SA70 7RY

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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Whitewell Caravan Park against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/17/0551/S73, dated 18 July 2018, was refused by notice dated 25 October 2017.
- The application sought planning permission for *"change of use to provide 17 static pitches, 16 touring pitches and 10 tent pitches (total 43) to replace 20 touring pitches and 30 tent pitches (total 50). Upgrading of the landscaping with additional screening within the park and improving the site entrance to highway requirements with additional site south boundary screening to the highway. Re-locate camping tents, trailer tents and camper vans behind a new hedge bank in an area 19.8% of the two front fields for seasonal use. Removal of the 28 day permitted development rights from remaining areas (80.2%) of two front fields"* without complying with a condition attached to planning permission Ref NP/14/0713, dated 17 April 2015.
- The condition in dispute is No 10 which states that: *"Notwithstanding the provisions 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) (Schedule 2 Part 4) there shall be no camping in the two southern fields as specified on the approved plan Drawing No. 02 received 23 December 2015 whatsoever without specific planning permission being obtained."*
- The reason given for the condition is: *"The development is acceptable as a departure and this allows the Authority to control the extent of the development site in order to protect the character and appearance of the surrounding areas within the Pembrokeshire Coast National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and duty), 8 (Special Qualities) and 15 (Conservation of the Pembrokeshire Coast National Park)".*

Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal follows the refusal of a planning application for the variation of Conditions 2, 3 and 9 and removal of Condition 10 of planning permission NP/14/0713. However, at the appeal stage the appellant sought permission solely for the removal of Condition 10 of planning permission NP/14/0713 to allow camping within the south-eastern field parcel only, for a period of up to 28 days per annum, as set out in the banner heading to this decision.
3. I note that Condition 10 of permission NP/14/0713 contains a typographical error relating to the date of the approved plan drawing No.02, namely dating the plan at '23 December 2015'. However, as set out in Condition 2 of the same permission the date should state 23 December 2014'. Nevertheless, both the Authority and the appellant would be aware of the appropriate approved plan and this error does not prejudice either party or my consideration of this appeal.
4. 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.

Background and Main Issue

5. Planning permission NP/14/0713 included a condition removing permitted development rights for camping in two parcels of land to the south east and south west of the application site, adjacent to the A4139. The appellant seeks to reinstate his permitted development rights on the parcel of land located to the south east only. In essence, if the appeal were to be allowed, camping would be permitted on the parcel of land for 28 days per calendar year.
6. The appeal site lies within the Pembrokeshire Coast National Park. Accordingly, the Authority stated that condition 10 was originally imposed to retain a landscape buffer between the highway and the holiday park. The static caravan element is present on site all year round, and the removal of this buffer would result in an intensification of the visual impact of the holiday park to the detriment of the surrounding landscape.
7. The appellant objects to the condition as the south-eastern field parcel is considered to be the less visually prominent of the south-eastern and south-western fields due to the topography of the site. Furthermore, additional planting is being provided to the southern boundary of the site with the A4139. The field parcel would only be used as an overflow area within times of peak demand and would boost the local economy.
8. Taking the above background into account the main issue is whether condition 10 of planning permission NP/14/0713 is both reasonable and necessary having regard to the effect of the development on the character and appearance of the area and the special qualities of the Pembrokeshire Coast National Park.

Reasons

9. Paragraph 3.5.2 of Planning Policy Wales, edition 9 (PPW) states that planning "*conditions should only be imposed where they are: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects*". Further PPW paragraph 3.2.2 states that, amongst other matters, "*save in exceptional circumstances, planning conditions should not be imposed which restrict or withdraw permitted development rights.*"

10. PPW, at paragraph 5.3.4 confirms 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. Where it appears that there is a conflict between those purposes, greater weight shall be given to the first. National Park Authorities have been set up to pursue these purposes, and other public bodies and other relevant authorities have a statutory duty to have regard to these purposes. National Park Authorities also have a duty to seek to foster the economic and social well-being of their local communities."*
11. The development plan comprises the Pembrokeshire Coast National Park Local Development Plan 2010 (LDP). As confirmed at the Hearing the relevant policies include: 1, 8, 15, 30, 35 and 38. Policy 1 reaffirms paragraph 5.3.4 of the PPW and Policy 8 sets out the special qualities of the National Park in further detail including that the pattern and diversity of the landscape is protected and enhanced. Policy 15 aims to ensure that the qualities of the Pembrokeshire Coast National Park landscape would not be adversely affected by development, amongst other matters, by introducing or intensifying a use which is incompatible with its location. Policy 30 addresses sustainable design issues, particularly preventing development that is visually intrusive. Policy 35 aims to attract an optimum number of visitors all year round, whilst conserving and enhancing the natural landscape. Bullet point 'a' establishes that additional camping, caravanning or chalet pitches would not be allowed. This is elaborated in Policy 38 which states that *"New camping, caravanning, static caravan or chalet sites or the extension of existing sites either by an increase in the number of pitches or enlargement of the approved site area will not be permitted. Exceptionally, static caravan and chalet site areas may be enlarged where this would achieve an overall environmental improvement, both for the site and its setting in the surrounding landscape."*
12. Technical Advice Note 13: Tourism (TAN13) was also brought to my attention. This states at Paragraph 12 *"Holiday caravans sites can be intrusive in the landscape, particularly on the coast. Special consideration needs to be given to new sites, especially in National Parks....."* and paragraph 13 that *"New and extended sites should be effectively screened, and planned so as not to be visually intrusive. Sites should not as a rule be allowed immediately by the sea, but should be set back a short distance inland where they are not visible from or along the coast."*

Character and appearance

13. The site is a large paddock currently set to grass in a context where the largely open fields, trees and other vegetation combine to lend the area a predominantly undeveloped, distinctly agricultural, rural character. This paddock and the roadside hedge bank provide a strong rural element and a pleasing contrast to the existing caravan park development to the north. In this respect the paddocks fulfil the role required by the planning authority when granting permission NP/14/0713, to retain a landscaped buffer.
14. The proposed additional planting of hedge shrubs along the main road frontage, bolstering the existing hedgerow, would strengthen this aspect of the areas character and assist in screening any tents from nearby viewpoints. Although glimpsed local views would be possible, I agree that the surrounding natural screening would ensure that the proposal would not be readily visible in the wider landscape, including from the coastal footpath. I also note that no physical infrastructure is needed for this

camping activity and therefore the appeal site would return to a grass paddock outside the 28 day 'window'.

15. Nevertheless, it seems to me that once effective, the result of the boundary planting would be to hide from public view a development that would otherwise look out of place. Whilst I accept the camping would only be for a 28 day period per year, it would diminish the innate essence of the countryside here. In particular, it would detract from the landscape qualities of the site and reduce the contribution it makes to the character of the area.
16. I do not envisage that the proposal would have a significant visual impact within the wider area or from the coast and would not lead to coalescence, it would, nonetheless have a moderate effect on landscape character hereabouts. At present, the site has very little impact in this regard, displaying a very low key and tranquil character, providing a buffer between the highway and the campsite. Against this context, the appeal proposal would introduce an extension to the existing campsite with the associated general activity, lighting, noise and the movement and parking of vehicles, albeit over a limited time period. I am also concerned that this use of the land would be unpredictable, even if controlled by the condition suggested by the appellant, as the activity would be spread over a period May – August inclusive.
17. Accordingly, I conclude that it is necessary to continue to impose the removal of permitted development rights, as set out in condition 10 of permission NP/14/0713. To remove the condition would, on the evidence before me, result in moderate harm to the character and special qualities of the National Park. As such it would be contrary to LDP Policies 1, 8, 15, 30, 35 and 38 as set out above.

Other matters

18. I acknowledge that visitors to the site can access nearby facilities in Lydstep, including the beach by foot, and there are opportunities to use public transport to venture further afield. Nevertheless, sustainable development is not just about location and accessibility, it is to ensure that social, economic and environmental issues are balanced and integrated.
19. The appellant comments that the extension to the campsite will allow more people to appreciate and enjoy the National Park. Whilst this may be the case, it is likely that the 28 day period would fall in the summer months when the National Park is generally at its busiest, where the LDP seeks to attract visitors outside the peak season. Additionally LDP paragraph states "*The strategy for visitors is to attract an optimal number, origin, type, duration of stay and spend of visitors all year round while ensuring that National Park environment continues to hold its attraction as a landscape of national and international importance. This is best achieved in land use terms by not adding substantively to the overall provision of visitor accommodation, as this could encourage further 'peaking' and cause damage to the National Park landscape and special qualities, both in terms of the impacts of the additional development and increased activity in some 'hot spot' locations*".
20. I have no substantive evidence that other similar sites have to turn people away, the specific figures involved or jobs /income created. Indeed, the evidence supplied by the appellant sheds little light on the level of demand involved. Accordingly, although it is probable that there is some demand for camping pitches in the area that is not currently being catered for, it has not been demonstrated that this is of sufficient magnitude to warrant this development. Consequently, I give only limited weight to the economic benefits of the proposal.

21. It may well be that other landowners in the area still benefit from permitted development rights and visitors may use such sites when the Whitewell site is at capacity. However, in this instance, there has been the opportunity to exercise control over future development. The condition does not preclude the potential for camping on these parcels of land, but it means that any proposals will be considered in the light of adopted policy aimed at conserving and enhancing the National Park.

Planning balance

22. The proposal would have limited economic benefits, would, to a limited extent, encourage public enjoyment of the National Park and would be in a broadly sustainable location in terms of accessibility to services and facilities. On the other hand the removal of condition 10 would result in moderate harm to the character of the landscape and the special qualities of the National Park, contrary to LDP Policies 1, 8, 15, 30, 35 and 38. On balance this conflict would not be outweighed by the identified benefits or other material considerations.

23. In reaching this conclusion I have taken into account the '*Sandford Principle*¹' brought to my attention by the Authority and recognised in planning policy through PPW, at paragraph 5.3.4, and LDP Policy 1. In essence this sets out that if there is a conflict between protecting the environment and people enjoying the environment, that can't be resolved by management, then protecting the environment is more important.

Conclusion

24. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Joanne Burston

INSPECTOR

¹ *National Park Authorities can do much to reconcile public enjoyment with the preservation of natural beauty by good planning and management and the main emphasis must continue to be on this approach wherever possible. But even so, there will be situations where the two purposes are irreconcilable... Where this happens, priority must be given to the conservation of natural beauty." (Lord Sandford, 1974)*

APPEARANCES

FOR THE APPELLANT:

Mr Andrew Bates
Mr Danny Mitchell

Geraint John Planning, Agent
Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Ms Nicola Gandy

Planning Manager, Pembrokeshire Coast National Park
Authority

Ms Karen Bolton MRTPI

Planning Enforcement Officer, Pembrokeshire Coast
National Park Authority

THIRD PARTIES

Mr D Joseph

Local resident

Documents

Doc 1 Appeal Hearing notification letter, submitted on behalf of the Authority.