

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:-

<u>NP/18/0548/FUL</u>	Temple Bar, Amroth
Type	Written Representations
Current Position	The appeal has been allowed and a copy of the Inspectors decision is attached for your information.
<u>NP/19/0065/FUL</u>	The Woodland Farm, The Rhos
Type	Hearing
Current Position	The appeal has been allowed and a copy of the Inspectors decision is attached for your information. The appeal for the award of costs was refused and a copy of that is also attached.
<u>EC/18/0034</u>	Material change of use of land to Booking Office & overnight camping – Abereddy Beach, Abereddy
Type	Inquiry
Current Position	An inquiry was held on 15 th October 2019 and the Inspectors decision is awaited.
<u>EC18/0138</u>	Render over front stonework & insert 3 new UPVC windows – 2 New Street, St Davids
Type	Written Representations
Current Position	The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.
<u>EC19/0020</u>	3 caravans & campervan in field – Land adjacent to Castle Hill, Newport
Type	Written Representations
Current Position	The initial paperwork has been submitted to the Planning Inspectorate.



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/07/19

gan H C Davies BA (Hons) Dip UP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.09.2019

Appeal Decision

Site visit made on 30/07/19

by H C Davies BA (Hons) Dip UP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18.09.2019

Appeal Ref: APP/L9503/A/19/3230246

Site address: Temple Bar, Amroth, Narberth SA67 8ND

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 Ian Wilkinson against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/18/0548/FUL, dated 12 September 2018, was refused by notice dated 5 December 2018.
- The development proposed is partial conversion of a public house into a 2 bedroom flat.

Decision

1. The appeal is allowed and planning permission is granted for the partial conversion of a public house into a 2 bedroom flat at Temple Bar, Amroth, Narberth, SA67 8ND in accordance with the terms of the application, ref: NP/18/0548/FUL, dated 12 September 2018, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the risk of flooding.

Reasons

3. The appeal relates to a public house, The Temple Bar, directly opposite the promenade in the coastal village of Amroth; the two-storey building is of modern appearance and is semi-detached; the attached building would appear to have a similar arrangement with a bar/restaurant at ground level and residential at first floor. The public house is served by a large car park to the rear.
4. Whilst the majority of the surrounding area is designated as zone C2 on the current Development Advice Maps (DAMs) which accompany Technical Advice Note 15 - Development and Flood Risk (TAN15), the appeal site falls within zone A. Zone A is defined in TAN15 as areas considered to be at little or no risk of fluvial or tidal/coastal flooding whilst zone C2 is defined as areas of the floodplain without significant flood defence infrastructure. Paragraph 6.2 of TAN15 identifies that new development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river and coastal flooding will be less of an issue. Policy 34 of the

Pembrokeshire Coast National Park Local Development Plan (LDP) is consistent with this guidance. Further material considerations are contained in the South Wales Shoreline Management Plan (SMP2) which identifies that in Amroth (Policy Unit 16.2) the risk of coastal flooding to properties and assets will increase over time as a result of climate change/sea level rise.

5. A Technical Note on Flood Risk has been provided by the appellant which includes detailed topographical surveys and confirms the site to be entirely outside of DAM zone C and the proposed residential accommodation to be higher than the predicted still water levels. Natural Resources Wales (NRW) have also confirmed the site to be in zone A and shown not to be at risk from still water tide levels even with climate change allowance over a 100year lifetime of development. NRW have reiterated the stance taken at the time of the application that they do not object to the proposal. However, they do acknowledge that there is a potential risk of some wave action in extreme storms.
6. At my site visit I observed that the ground floor of the proposed residential unit would be considerably higher than the rear car park and associated access. The evidence shows that the ground floor of the building would be elevated 1.1 metres above the flood zone outline, and the Coastal Engineer acknowledges that if the ground floor level would be 1.1 metres higher than the adjacent car park it will be clear of the flood level. Notwithstanding the proximity of the appeal property to the zone C2 flood area, I am satisfied therefore that the residential accommodation would be clear of the extreme flood level. With regard to the risk from wave overtopping, the appellant's technical note does not use any detailed modelling but takes account of a number of factors including the general location of Amroth which is sheltered from the most significant westerly waves, physical features specific to the appeal site such as the car parking area in front, as well as the ground levels falling away from the promenade. On this basis if wave overtopping should occur near the appeal site, it would be shallow and below the internally raised level of the proposed rear accommodation. I have no reason to disagree with this assessment which is not challenged by the Authority.
7. I acknowledge that the proposal would intensify a highly vulnerable use in an area that in the long term has been identified as being more vulnerable to flooding and also at a greater potential risk of wave action impact. However, the SMP2 policy applies to the whole Amroth coastline so that the effects of flooding would vary along its length. In this regard I note the peripheral location of the proposed development and its siting on a natural outcrop of higher ground on a less vulnerable part of the promenade.
8. Taking all of the above into consideration, I find that the proposal would not result in a significant flooding risk and there would be no material conflict with TAN15 and LDP Policy 34.

Conditions

9. I have considered the conditions suggested by the Authority in the light of Welsh Government Circular 016/2014 The Use of Planning Conditions for Development Management. Where necessary, I have adjusted the wording of the conditions in the interests of clarity and precision. In addition to the standard time commencement condition and the condition outlining the approved plans, which are necessary in the interest of clarity and precision, I have imposed Condition No. 3 in the interest of highway safety. I consider the condition suggested by the Authority regarding surface water disposal to be unnecessary given that the proposal would not alter the current surface water drainage regime. I note that the appellant is agreeable to a condition

requiring a flood management plan, but in the light of my findings this is not necessary.

Conclusion

10. In reaching my decision, I have taken account of 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 one or more of the Welsh Ministers well-being objectives as required by section 8 of the WCFG Act.

11. For the above reasons, I conclude that the appeal is allowed.

H C Davies

INSPECTOR

Schedule of Conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development shall be carried out in accordance with the following approved plans and documents:

- Drawing Reference: 9006-LP01
- Drawing Reference: 9006-E01
- Drawing Reference: 9003-E02
- Drawing Reference: 9003-E03
- Drawing Reference: 9006-PSP01
- Drawing Reference: 9006-P01
- Drawing Reference: 9006-P02

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.

- 3) Parking for the proposed residential unit shall be completed in accordance with the approved plans prior to beneficial occupation of the development. Once provided, parking shall be maintained thereafter free of obstruction for the parking of motor vehicles only.

Reason: In the interests of highway safety. (Policy 53 of the LDP)



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 05/09/19
Ymweliad â safle a wnaed ar 05/09/19

gan A L McCooey BA MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 21.10.2019

Appeal Decision

Hearing Held on 05/09/19
Site visit made on 05/09/19.

by A L McCooey BA MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 21.10.2019

Appeal Ref: APP/L9503/A/19/3230259

Site address: The Woodland Farm, The Rhos, Haverfordwest, SA62 4AN

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 failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Stephen Atkins and Ms Linda Screen against Pembrokeshire Coast National Park Authority.
 - The application Ref NP/19/0065/FUL, is dated 1 February 2019.
 - The development proposed is a rural enterprise dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a rural enterprise dwelling at The Woodland Farm, The Rhos, Haverfordwest, SA62 4AN in accordance with the terms of the application, Ref NP/19/0065/FUL, dated 1 February 2019, subject to the conditions set out in the attached annex.

Application for costs

2. At the Hearing an application for costs was made by Mr Stephen Atkins and Ms Linda Screen against Pembrokeshire Coast National Park Authority (PCNPA). This application is the subject of a separate Decision.

Preliminary Matters

3. PCNPA set out its position on the appeal proposal in the delegated report and statement of case dated 2 and 22 July 2019 respectively. In summary, the Authority concluded that the evidence was not sufficient to justify a permanent new dwelling. However, PCNPA considered that the applicants had demonstrated a genuine intention to meet the requirements set out in Technical Advice Note 6: Planning for Sustainable Rural Communities (TAN6) and the associated Practice Guidance (PG). It was considered that the development offered the opportunity to establish a sustainable rural enterprise and thus it could be supported in principle. A temporary planning permission for three years in order to test the enterprise (as advised in TAN6) would be appropriate in this type of situation. PCNPA contacted the agent to discuss a temporary planning permission, but the appeal was lodged before any reply was received.
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4. I raised this issue of testing the evidence by granting a temporary planning permission for a period of three years at the hearing. After due consideration, the appellants rejected that approach and insisted that they sought permanent planning permission only. I have therefore approached the decision on this basis.
5. There was some disagreement between the parties as to whether the proposal should be treated as a "new dwelling on a new enterprise" (section 4.6 of TAN6) or a "new dwelling on an established enterprise" (section 4.4 of TAN6). In support of their position the appellants relied on criterion c. of section 4.4, which refers to the business having been established for at least 3 years and profitable for at least one of them. However, criterion c. also refers to the financial test in section 4.10, which requires the enterprise to be financially sound. The evidence shows that the enterprise has not yet been financially sound as defined in the test for one year. I therefore conclude that on balance, the proposal should be treated as being for a "new dwelling on a new enterprise" under section 4.6 of TAN6.

Main Issue

6. The main issue is whether the rural enterprise provides justification for the proposed dwelling having regard to local and national policy to restrict development in countryside, particularly regarding the financial soundness of the enterprise.

Reasons

7. The site is on a minor road around a mile south of the A40 near the settlement of The Rhos. The land was part of the nearby Picton Castle Estate, until it was purchased in 2013. The landholding comprises woodland and meadow, extending to almost 14 ha. There is a wooden barn and a polytunnel on site together with smaller moveable structures for poultry and a compost toilet located close to the site access. The proposed dwelling would be sited near the barn. The location is well-screened by tree belts and woodland.

The rural enterprise

8. The major element of the current business is cut flower production on 3 acres, also using the barn and polytunnel. The wedding market is particularly strong for the enterprise. The appellants point out that flowers are very vulnerable to frost, wind and rain, especially when they are ready for cutting. Cutting and watering activities must take place between 05:00 and 09:30 and 17:00 to 22:00 in the summer when conditions are cool enough. Marketing via social media has been successful and the business has established profitably. Further planned expansion would be possible if the appellants could live on site. Other horticultural activity includes winter flowers, wreaths for Christmas and pumpkins for the Halloween market. Plans for speciality livestock rearing, bee-keeping and fruit production are also set out. Charcoal production has commenced after investment in a metal kiln and preparatory coppicing activities.
9. The appellants have close links to the local community through involvement in the local Community Council and community association. Local and national connections for trade and various activities on the farm were set out in the business plan. The ethos of the farm is sustainable, environmentally friendly, organic business¹. This is considered to tie in well with the sustainable "do it yourself" wedding market and sustainable charcoal production.

¹ Moving towards organic certification

10. Letters of support from local people and businesses set out how the authors have been involved with the business as contractors, clients and charities or clubs. One letter is from an organic growing, importing and distribution business supplying both wholesale and 500 "box scheme" customers throughout Pembrokeshire, Carmarthenshire and Ceredigion. They would be keen suppliers of the charcoal when it is ready and have regular enquiries from existing customers as to the availability of sustainable charcoal.

Planning Policy

11. Planning Policy Wales Edition 10 states that new housing in the open countryside should be strictly controlled. One exception to this would be where it is essential for a dwelling to house a worker in a rural enterprise. The need must be genuine, and it will be important to establish that the business will continue to operate for a considerable length of time.
12. The relevant policy for the consideration of this proposal is contained in TAN6 and the associated Practice Guidance (PG). I shall consider whether a new dwelling is justified by the evidence outlined in the appeal proposal in the light of the advice in TAN6 and the PG.

Whether the proposal meets the relevant tests

13. PCNPA accepts that the proposal met the functional test and the time test for a full-time worker. Having considered all the evidence, I agree. The evidence was that there are no other dwellings or suitable buildings available and so the other dwellings test is met. The site is located within the PCNP, where the siting and design of development proposals assumes considerable importance. The environmental effects of the proposal had been carefully considered. Having regard to the Local Development Plan Policies 1 – National Park Purposes and Duty, 7 – Countryside, 8 – Special Qualities, 15 – Conservation of PCNP and 30 – Amenity; PCNPA were satisfied that the proposed siting, design and access arrangements were acceptable. The proposal would be well-screened and further landscaping can be required as a condition of planning permission. PCNPA considered that the other normal planning requirements test was met. I agree and consider the sustainability credentials of the enterprise and proposed dwelling to be demonstrated by the evidence supported by my observations during my site visit in terms of the methods of working.

Financial Test

14. This leaves the financial test to be considered. In order to justify a rural enterprise dwelling it is necessary to demonstrate that there is a need for at least one full-time worker to live on the site. The evidence must show that the business has a reasonable prospect of providing a market return for the skills of that worker for at least 5 years. The appellant has submitted a business plan, a rural enterprise dwelling appraisal and supplementary information to address queries from PCNPA. Evidence of turnover, profits and expenditure on equipment and buildings has been submitted in the form of HMRC tax returns dating back to 2013. These figures show a progressive growth in turnover and profits year on year.

15. The appellants have compared their turnover with that of the average 14,500 very small and 6,700 small farms² in Wales. PCNPA stated that whilst that particular method was not referred to in the guidance, it was equally valid and pragmatic. The turnover for 2018/19 exceeded the average turnover for small farms in Wales. Oral evidence of performance for the current financial year to date was provided at the hearing. There was considerable evidence of significant investment in new buildings and equipment for the business from the profits made in the early years. During my site visit I saw the barn, polytunnel and business equipment including a metal charcoal kiln.
16. The evidence should also demonstrate that the business profits would provide a realistic income for at least one worker. The salaries generated by the existing activities have risen steadily over the last two financial years. The evidence at the hearing was that the actual income figures for this financial year will exceed the projected figure in the business plan. This in turn would mean that the projected salaries would be around 25% higher than originally forecast. The projections show that the profits for the business would be close to providing a realistic return by 2021/22. PCNPA states that the profit forecast is considered to be reasonable and realistic to support the household, as it has taken into account likely income and expenditure. However, it required additional evidence to show how any fluctuations in income can be addressed. I consider that the figures are realistic and adopt a conservative approach. The accounts show that the existing activity on the site is profitable and expanding. The advance wedding bookings for next year indicate that the cut flowers business has good prospects for further expansion.
17. The appellants are aware of the need to have a diverse portfolio of activities. The other major proposed income stream is charcoal production from coppiced woodland on the site. The woodland and other local sources (explained in evidence) provides ample wood for charcoal and Biochar production. The appellants are experienced in forestry. The process of charcoal production requires constant monitoring of the kiln on-site for extended periods. The coppicing regime has been established and the necessary machinery and equipment purchased. The market has been researched through the study of established similar charcoal businesses. The evidence of market research and demand for locally sourced sustainable charcoal was convincing. Whilst charcoal production has begun, a significant constraint on full production is the lack of living accommodation, as an on-site presence during the process is essential. Expansion of the production of Biochar is also planned. The Biochar is used as a fertiliser for flowers, vegetables, fruit trees and pumpkins grown on the site. This is an example of the integrated approach taken on the holding.
18. The business has also diversified into seasonal pumpkin production, which has yielded significant returns. I saw the extensive pumpkin patch and flower production areas during my site visit. Further rearing of livestock (pigs and poultry) is also planned. Income is supplemented by environmental activities under the Welsh Government Glastir scheme. No account has been taken of these grants in the financial projections as there is no guarantee that such schemes will continue post-Brexit. To my mind, the evidence demonstrates how different income streams have been developed to provide a diverse business capable of withstanding fluctuations in any one element.

² This category accounts for the largest proportion of farmed land in Wales.

19. A relatively low cost environmentally sustainable dwelling is proposed. Labour and materials costs would be minimised by the use of self-build skills and local timber sources. Case studies of the cost of other similar dwellings have been provided to demonstrate how cost savings can be realised. The financial projections and figures have taken account of the cost of the dwelling. The evidence was that the profits from the business and capital investment by the owners would meet the costs of construction within a 5-year period. There would be no reliance on a mortgage. Having considered all the evidence I conclude that the cost of the dwelling as accounted for in the financial information, can be met by the business and this aspect of the financial test is met. The design of the dwelling and its internal floorspace would meet the criteria for an affordable dwelling. TAN6 requires that any occupancy condition allows for use by persons eligible for affordable housing, in the event that the dwelling is no longer required for a rural enterprise worker.
20. In summary, the financial evidence consists of the business plan, actual accounts and future projections, supplemented by additional written and oral evidence. I consider that the financial projections are realistic and adopt a conservative approach. The accounts show turnover and profits increasing year-on year so that a reasonable return for the skills of the operator is close to being achieved. The financial evidence shows that the income needs of the household would be met within the next few years. There has been a significant level of investment already and the dwelling costs would be met by the profits from the business and existing capital. The expansion that would be possible once the appellants are living on-site would mean a substantial increase in profits from the diverse activities associated with the business. In these circumstances, I consider that the business has been planned on a sound financial basis and has good prospects of remaining economically sustainable for at least 5 years. I conclude that the appeal proposal would be justified and meets all the relevant tests in TAN6.

Conditions

21. I have had regard to the conditions suggested by the PCNPA. TAN6 requires that an occupancy condition³ be attached to approvals for a dwelling to house a rural enterprise worker. The Authority suggested a condition to address external lighting. The appellant confirmed that no external lighting is proposed, but I attach a condition should this change. Approval is necessary given the rural location and potential for there to be impacts on local biodiversity as a result of lighting. As discussed above, details of proposed landscaping around the dwelling are necessary, as is its implementation. It is necessary to restrict extensions to the dwelling to ensure that it remains suitable and affordable for its intended use in accordance with the terms of this approval. The need to protect the special character and appearance of the National Park justifies control over caravans on the site and the undergrounding of all necessary cables.

³ The reasons for this and the condition itself are set out in section 4.13 of TAN6.

Conclusion

22. For the reasons given above, I consider that the appellants have demonstrated that the rural enterprise would be financially sound and would have good prospects of remaining so for at least 5 years. The tests for a rural enterprise dwelling as set out in TAN6 would therefore be met and I grant permanent planning permission for the dwelling.
23. 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' revised well-being objectives to build healthier, more resilient communities and environments

A L McCooey

Inspector

ANNEX – Conditions for Appeal Ref: APP/L9503/A/19/3230259**Conditions**

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the deposited plan reference 02, dated 4 February 2019.
- 3) The occupancy of the dwelling shall be restricted to:
 - i) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or if it can be demonstrated that there are no such eligible occupiers,
 - ii) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.
- 4) Details of any external lighting to be provided shall be submitted to and approved in writing by the local planning authority prior to its installation. The works shall be carried out and retained in accordance with the approved details.
- 5) No development or site clearance shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant); and a landscape management plan with details of proposals for the replacement of plant failures.
- 6) The landscaping works shall be carried out in accordance with the approved details as per the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.
- 7) Notwithstanding the provisions of schedule 2, parts 1, 2 and 5 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), no extensions or external changes to the dwelling shall be erected or constructed and no caravan shall be sited within the curtilage of the dwelling.
- 8) 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 supply to the site shall be by underground cables.

Reasons

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure that the development is carried out in accordance with the approved plans and drawings submitted with the application.
- 3) The dwelling must be retained to meet the needs of rural enterprise in the area and if not so needed it can meet the need for affordable housing. This is in accordance with Technical Advice Note 6 and Local Development Plan Policy 7.

- 4) To ensure that biodiversity and the character of the area are protected in accordance with Local Development Plan Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 9 (Light Pollution), 11 (Protection of Biodiversity), 15 (Conservation) and 30 (Amenity).
- 5) To protect the rural character of the area by appropriate landscaping around the dwelling in accordance with Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation) and 30 (Amenity) of the Local Development Plan.
- 6) To protect the rural character of the area by appropriate landscaping around the dwelling in accordance with Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation) and 30 (Amenity) of the Local Development Plan.
- 7) To ensure that the dwelling remains suitable for its intended use and affordable. To preserve the special character and appearance of the countryside within a National Park in accordance with Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation) and 30 (Amenity) of the Local Development Plan.
- 8) To preserve the special character and appearance of the countryside within a National Park in accordance with Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation) and 30 (Amenity) of the Local Development Plan.

END OF CONDITIONS



Penderfyniad ar gostau

Gwrandawriad a gynhaliwyd ar 05/09/19
Ymweliad â safle a wnaed ar 05/09/19

gan **A L McCooey BA MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 21.10.2019

Costs Decision

Hearing Held on 05/09/19
Site visit made on 05/09/19

by **A L McCooey BA MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 21.10.2019

Costs application in relation to Appeal Ref: APP/L9503/A/19/3230259

Site address: The Woodland Farm, The Rhos, Haverfordwest, SA62 4AN

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 Ms Linda Screen & Mr Stephen Atkins for a full award of costs against Pembrokeshire Coast National Park Authority.
 - The hearing was in connection with an appeal against the failure of the National Park Authority to issue a notice of their decision within the prescribed period on an application for planning permission for a proposed rural enterprise dwelling.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Section 12 Annex, Award of Costs, to the Development Management Manual advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The purpose is to encourage all those involved in an appeal to behave in a reasonable manner and follow good practice in terms of timeliness.
 3. I have had regard to the appellants' timeline and evidence on the way the National Park Authority dealt with the application and to the Authority's explanations of the discussions with the appellants' agent. The application is based on the delay in issuing a decision on the part of the National Park Authority as set out above. An extension of the time to determine the application was agreed to 22 May 2019. There can be no suggestion of undue delay up to this point. It seems that the National Park Authority was then waiting for a response from the appellants' agent. The appellants had pursued progress through a local councillor and had then decided to appeal when no answer was forthcoming.
 4. The National Park Authority was pursuing legitimate concerns it had over the case presented and was seeking ways to resolve those matters when the appeal was submitted. Thus, the Authority has not acted unreasonably in failing to determine the planning application.
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5. I find that the appellants have not incurred unnecessary or wasted expense in the appeal process. For these reasons given, I conclude that a full award of costs is not justified.

A L McCooey

Inspector

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/10/19

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 25.10.2019

Appeal Decision

Site visit made on 08/10/19

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 25.10.2019

Appeal Ref: APP/L9503/C/19/3232832

Site address: 2 New Street, St. Davids, Haverfordwest, Pembrokeshire, SA62 6SN

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 Mrs Anne Pariyar against an enforcement notice issued by Pembrokeshire Coast National Park Authority.
- The enforcement notice, numbered EC18/0138, was issued on 14 June 2019.
- The breach of planning control as alleged in the notice is without planning permission, the application of render over stonework façade and the installation of 3No. uPVC windows to first floor.
- The requirements of the notice are: i) Carefully hack off render on New Street Elevation; ii) Rake out joints to masonry on New Street elevation; iii) Repoint masonry on New Street elevation in lime mortar as per original finish; iv) Remove 3No. uPVC windows at first floor of New Street elevation; v) install 3No. timber painted sash windows at first floor of New Street elevation. Design to exactly match former windows (4 paned; horned) with all glazing bars, meeting rails etc to match exactly.
- The period for compliance with the requirements is 6 months from the date the Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Decision

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

Procedural Matter

2. The appeal is proceeding solely under the grounds set out in Section 174(2)(f) of the above Act which is that the requirements of the Notice are excessive and that lesser steps would overcome the objections. Indeed, the prescribed fees have not been paid and there is no appeal under ground (a) or any associated application for planning permission deemed to have been made under Section 177(5) of the Act. The planning merits of the matters that comprise the alleged breach are not, therefore, material to the determination of the appeal.

Reasons

3. Despite the fact that Section 4: '*Reasons for issuing the Notice*' clearly sets out the alleged harm, it is clear from the requirements of the Notice at Section 5: '*What you*

are required to do', that the purpose of the Enforcement Notice is to remedy the breach of planning control. Indeed, as set out above, the requirements of the Notice seek to remedy the breach of planning control by removing the unauthorised works and restoring the building to its condition before the breach took place.

4. Whilst appearing to accept the requirement to replace the windows at first floor level of New Street¹, the appellant objects to the requirement to hack off the render, rake out the masonry joints and to repoint the stone-work². However, without considering the planning merits of the rendered surface, it is not clear how the breach of planning control could be remedied other than by removing the render and returning the building to its former state. Indeed, no alternative lesser step that would remedy the breach of planning control has been submitted by the appellant for consideration.
5. I therefore find that the requirements of the Notice do not exceed what is necessary to remedy the breach of planning control. Accordingly, the appeal should be dismissed and the enforcement notice upheld.

Richard E. Jenkins

INSPECTOR

¹ Requirements iv) and v)

² Requirements i), ii) and iii)