

## 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/18/0134/FUL** One Planet Development – land adjacent to Castle Hill, Newport  
**Type** Hearing  
**Current Position** The appeal has been dismissed and a copy of the Inspectors decision is attached for your information

**NP/18/0665/FUL** Dan y Garn, Treleddyd Fawr, St Davids  
**Type** Written Representations  
**Current Position** The initial paperwork has been submitted to the Planning Inspectorate.

**EC/18/0034** Material change of use of land to Booking Office & overnight camping – Abereddy Beach, Abereddy  
**Type** Inquiry  
**Current Position** The initial paperwork has been submitted to the Planning Inspectorate

**EC/16/0124** Unauthorised caravans on site – Hendre, Newport  
**Type** Written Representations  
**Current Position** The initial paperwork has been submitted to the Planning Inspectorate.



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## **Penderfyniad ar yr Apêl**

Gwrandawriad a gynhaliwyd ar 13/03/19

Ymweliad â safle a wnaed ar 13/03/19

**gan A L McCooey BA MSc MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 15.05.2019**

## **Appeal Decision**

Hearing Held on 13/03/19

Site visit made on 13/03/19

**by A L McCooey BA MSc MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 15.05.2019**

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**Appeal Ref: APP/L9503/A/18/3217440**

**Site address: Land adjacent to Castle Hill, Newport, Pembrokeshire**

**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 Susan Gillooley against the decision of Pembrokeshire Coast National Park Authority.
  - The application Ref NP/18/0134/FUL, dated 26 February 2018, was refused by notice dated 18 July 2018
  - The development proposed is an eco-smallholding including one dwelling.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The description of the development on the application and appeal forms contains a lengthy description of the process used in making the application and other explanatory material. These matters are not part of the development proposal and I have consequently omitted them in using the above shorter description.
3. The application was not accompanied by an undertaking under s.106 as required by the relevant guidance. The need for a planning obligation to tie the ownership of the site to the appellant as her main place of residence was discussed at the hearing and it was agreed that such an obligation would be submitted after the hearing. An appropriate obligation and evidence of ownership was submitted to the National Park (NP) Authority for comment. The final version has been agreed with the NP Authority after an exchange of comments on the appellant's suggested undertaking.

### **Main Issues**

4. The main issues are:
    - Whether the proposal meets the requirements of national and local planning policy in respect of one planet development (OPD) and so is justified as an exception to the strict controls on development in the open countryside;
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- The impact of the proposal on the special qualities of the Pembrokeshire Coast National Park (the NP); and
- Whether the proposal would result in an unacceptable highway safety hazard because of pedestrian and vehicular conflict on the access to the site.

## Reasons

5. Planning Policy Wales (PPW) advises (paragraphs 4.2.38 & 39) that OPD is a type of development that through its low impact either enhances or does not significantly diminish environmental quality. OPD located in the open countryside should provide for the minimum needs of the inhabitants in terms of income, food, energy and waste assimilation over a period of no more than 5 years from commencement. This should be evidenced by a management plan (MP) produced by a competent person. Where this cannot be demonstrated, proposals should be considered against policies which seek to control development in the open countryside. This is the approach taken by the NP in refusing planning permission and so if the first reason for refusal is not sustained the second automatically fails.
6. TAN6 expands upon the policy position set out in PPW. All applications must be supported by robust evidence. The content of management plans is specified: to include a business and improvement plan to identify whether there is a need to live on the site and establish the level of the inhabitants' requirements in terms of income, food, energy and waste assimilation that can be obtained directly from the site. An ecological footprint analysis, zero carbon analysis, a biodiversity and landscape assessment, community impact assessment and a transport assessment and travel plan must also be provided. Section 4.23 of that same document goes on to state that an annual monitoring report should be submitted to the Local Planning Authority to evidence compliance with the objectives of the approved management plan. The associated Practice Guidance provides step by step guidance for applications for OPD outside settlements/ in the open countryside, covering all the requirements for a planning application.
7. The NP Local Development Plan Policy 7 allows for low impact development making a positive contribution in locations outside defined settlements. The detailed criteria are contained in Policy 47. There is adopted supplementary planning guidance on the same subject. The local policy context is generally consistent with national policy and guidance. The Authority maintains that the local policies and guidance are tailored to and reflective of the special circumstances and status of the NP. I note the purposes of NPs as set out in legislation and that greater weight is to be given to conserving and enhancing the natural beauty wildlife and cultural heritage of the NP.
8. The site is in an elevated position on the edge of the Carningli mountain common land to the south of Newport. Access is from a narrow lane off College Square that terminates at a dwelling known as Castle Hill, thereafter a short section of private way leads to the site and another dwelling (Stone Hill) to the west. There are several other dwellings on the lane and on side lanes off it. There are currently some caravans on the site.
9. This appeal follows an appeal for a similar development, which was dismissed in 2017<sup>1</sup>. The appellant has revised her MP and changed the proposed activities on the site in an attempt to address the concerns raised in the earlier decision. The objectors

<sup>1</sup> APP/L9503/A/16/3150135

commissioned an appraisal of the MP by Reading Agricultural Consultants (RAC). The appellant was afforded the opportunity to respond to the points made in the RAC report. I have taken all this information into account.

*Business and Improvement Plan*

10. The Inspector in the previous appeal was told that the site is classed as Grade 4 agricultural land with poor soil quality and condition. Difficult growing conditions and the need for polytunnels for shelter in this exposed coastal location were referred to. The RAC report refers to poor baseline information being supplied. No soil analysis or assessment has been provided as an indicator of the suitability of the land for the proposal, it is claimed. The appellant has supplied her personal opinions of the soil quality rather than any scientific analysis.
11. The guidance (in terms of food) requires that 65% of all basic food needs are grown or reared on the site. This can be met by providing 30% directly with 35% from income obtained from activities on the site. The appellant proposes to meet this requirement by the sale of geese at Christmas, craft products made from Willow and Lavender (grown on the site) and eggs. Food production would consist of growing vegetables in raised beds, fruit from trees and bushes grown on the site, eggs, and meat from chickens and geese.
12. The guidance requires that the site must generate sufficient income to meet the basic needs of the household that cannot be met directly from the site. The MP sets out how the main income streams would develop over the requisite 5-year period. The MP would then be used as the basis of conditions or a legal agreement relating to the occupation of the site should planning consent be granted.
13. Proposed income relies heavily on products made from Willow and Lavender. The Inspector in the previous appeal expressed doubt that Lavender growing would be successful in this elevated location close to the sea. The Authority also provided evidence of the difficulties with Lavender cultivation in these types of locations. During my site visit I was shown two rows of Lavender plants that were planted in 2016. I appreciate that the appellant has tried three varieties of Lavender to date. The condition and small-scale nature of the planting does not lead me to conclude any differently from the previous appeal. The site is small and the appellant's suggestion of growing lavender lower down the slope would not therefore make a significant difference, in my opinion. It does appear that Willow may be grown in this location, as the adjoining OPD has some Willow growing. The plan shows that the Willow would take some years to mature sufficiently to be used. Two varieties are proposed – one for biomass energy and one for craft products. The basketry Willow may be available by year 4 or 5. This is late in the process and casts doubt on whether sufficient income can be generated by year 5 as required by TAN6.
14. The appellant assured me that there was a ready market for the proposed Willow and Lavender craft products. However, there is very little evidence of marketing strategy in the management plan. This was supplemented at the hearing by evidence that the appellant had spoken with an expert based at the Lammas site and had made one wicker sculpture. She had spoken to local sellers and two local shops. This is far from the robust marketing evidence that I would expect to see, which again casts doubt on the income generation potential of this aspect of the enterprise. I consider that this is critical as these products form a large part of the projected income stream.
15. It is proposed to grow vegetables in raised beds. These would consist of old tyres filled with imported soil. There was no convincing evidence that the use of tyres

would be harmful or toxic as claimed by the objectors. The importation of soil appears to run counter to the OPD ethos of relying on the land itself. I was shown 10 car/van tyres on site currently in use (although not for vegetable growing). The appellant stated that one tonne of soil was imported to fill these and a further 10 tyres would be needed. I would doubt that this would be sufficient to grow the required amount of foodstuffs.

16. During my site visit I discerned little evidence of successful vegetable growing on the site. The doubts expressed about the level of trial cultivation in the previous appeal decision do not appear to have been resolved by what I saw on site. It is unclear whether all the fruits and vegetables listed in the MP can be grown on the site. The appellant proposes to principally rely on outdoor growing with only a small greenhouse to allow for growing grapes. I note that the appellant has some young fruit trees growing on the site and that photographs show apples on at least one of those trees. Whilst reference was made to successful fruit and vegetable growing on the adjoining OPD, no evidence of this or the methods used was provided. There appeared to be some doubt as to the occupation of the adjoining OPD at the time of the hearing. A supporter who lives nearby told me that he successfully grows similar fruit and vegetables. However, I was told that he has a large polytunnel. I have taken into consideration the expressions of support for the appellant and the evidence of successful OPDs elsewhere. In any event, each OPD is unique and must be assessed on its own individual merits.
17. The Geese would graze on a large portion of the holding and would be housed within a small barn at night. I have no reason to conclude that rearing a small number of geese by grazing supplemented by some feed would not be successful. The slaughter costs have been provided and the arrangements for sale were explained at the hearing. There was some concern that the chosen breed of chickens would not be suitable for meat production. I am content that this could be addressed by trial and error and in any event it is not a significant element of proposed food production. The growing and sale of edible primroses would not be a major element of income. I note that market research solely consists of internet searches.
18. I have serious misgivings that the food and income needs of the OPD can be met based on the information provided by the appellant. The RAC report concluded that the levels of predicted food production and income lacked an evidential basis and appeared optimistic. Even on the appellant's own figures the required income level would not be achieved until year 5. No allowance has been made for the capital or labour costs of construction of the dwelling other than the capital cost in the ecological footprint calculations. I will return to this issue below.
19. Energy needs would be met by solar panels mounted above the woodstore on the wall of the dwelling. The panels would be in an elevated south facing position. There are trees around the dwelling, but I am satisfied that the panels can be maintained clear of shadowing by pruning of the trees and hedges. Batteries would ensure that energy can be stored for use in periods of low production. The proposed heating source is Willow biomass, which would not reach production until Year 7 according to information in the MP. There would be a smaller yield before then, but the timber must dry before it is suitable for use. The appellant explained that wood can be collected from the existing trees in the area to supplement the biomass production. Whilst I note that the Authority was content that energy and waste needs were adequately addressed in the MP, I have some doubt that heating needs can be met within the requisite 5-year period. I was told that this period has been extended on other OPD, but I can detect no basis for this in the relevant national guidance. I note that this energy shortfall was also highlighted in the RAC report.

20. The appellant would live and work alone on this development. Doubts were expressed over her ability to establish the different activities on the holding and construct the dwelling at the same time. She explained that contractors and other local sources of labour (including volunteers) would be used to construct the dwelling. This would be paid for from savings, without affecting the cashflow analysis and MP figures. I question whether this approach accords with the OPD guidance where all elements are to be taken into account in determining whether there is compliance with OPD. This conflicts with the information provided in her final comments, where she stated that she alone would be constructing the dwelling. There is a residual concern regarding her ability to undertake all the planned activities single handed.
21. The Authority expressed some concerns in relation to whether the materials to be used in the dwelling would be close to zero carbon as advised by guidance. The materials listed in the CFSH Materials report do not include stone. The appellant no longer has sheep and so the wool insulation cannot be produced on site. The appellant has referred to use of stone and clay (to replace lime or plaster) from the site in the construction of the dwelling. Some concern was expressed as to the impact of this extraction on the site. I do not consider that this would involve excavations that would have a significant impact on the character of the area. It does indicate a lack of precision in the plans for the proposed dwelling as argued by the NP Authority.
22. I have outlined my concerns regarding the business plan and how the proposal would meet the requirements of the practice guidance and relevant national and local policy. My concerns are supported by the evidence from the RAC report. I will conclude on this critical issue below.

#### *Visual Impact*

23. A visual impact assessment was submitted as part of the application, which concluded that the impact would be acceptable. This conclusion was endorsed by the NP Authority. I have taken the review<sup>2</sup> submitted by the objectors into account. I note that this was a desk-based review of the submitted material. The proposed dwelling would be sited in the corner of an existing field. It would be two-storey but cut into the landform. There are existing trees and hedges that would filter views from the adjoining common land. The proposed green roof would soften views from higher ground.
24. The settlement pattern in the area around the site comprises scattered dwellings on the slope of Mynydd Carningli. There are other dwellings on the lanes nearby, including an approved OPD dwelling on the adjoining land. The proposal would be relatively well-screened from public views and would fit into the existing development pattern. The dwelling and associated land-based activities would change the character of the site but not to the extent that it would disrupt the landscape character of the area significantly. Cadw considered that the proposal would cause slight damage to the setting of two identified heritage assets and no effect on 12 others within 2 km of the site. Cadw stated that the proposed dwelling would be much more visible in views from the two designated monuments than any other element of the proposal. However, its location and existing vegetation would partly screen the dwelling reducing its visibility leading to Cadw's assessment that the overall damage to the settings would be slight. I note the NP Authority considered these comments were not an objection to the proposal. However, the importance of protecting the significance

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<sup>2</sup> Review by Enderby Associates dated April 2018

of heritage assets and their settings in line with Welsh Government's specific objectives for the historic environment is referred to in PPW<sup>3</sup>. There is a presumption on favour of the preservation of scheduled monuments and their settings<sup>4</sup>. The slight damage identified by Cadw must therefore weigh against the proposal.

*Transport, traffic and Access Issues*

25. The concern relates to the adequacy of Castle Hill, there were no real objections to the access arrangements within the appeal site. Castle Hill is a single-track road with no footways or lighting. The NP Authority and objectors refer to this issue as insurmountable and refer to it being a reason for dismissal of the earlier appeal. The position of the proposed dwelling was further to the south and more elevated in that proposal. A close reading of paragraphs 48 to 53 of the decision illustrate that the Inspector's principal concerns related to the proposed access within the site boundary. The shortcomings of Castle Hill are a reinforcing point and she says that it may be possible to resolve the access issue by means of a condition.
26. Castle Hill is popular with walkers and currently also provides access to several dwellings. The traffic generated by the proposal for a OPD would be low. There was no objection to the proposal from the Highway Authority and no evidence of any accidents on Castle Hill. There are ongoing building works at a nearby property and construction traffic has been accommodated. There is no reason to suggest that this would be any different for construction of the proposal. The last portion of the lane leading to the site does narrow. However, given the low traffic volumes and speed on this road and the low traffic generation from the proposal, I do not consider that the access via Castle Hill would be unacceptable. There was no convincing evidence that the access for emergency vehicles or fire hazard from the development would be a serious public safety concern. I consider that the access arrangements would be acceptable and would meet the terms of Local Development Plan Policies 52 and 53 (cited in the reason for refusal).
27. Details of the appellant's existing and projected spending on fuel are provided in the MP. The NP Authority was concerned that there is no predicted reduction in the amount of travel spend over the 5-year period. The appellant considered that the target in the guidance would be met because there is and would be a lower level of travel than for a normal household. I consider that the appellant's approach is flawed. Her transport impacts are lower compared to the average household because she is a single person. OPD activities should aim to reduce the environment impacts of transport both by reducing the need to travel and favouring low carbon modes of transport<sup>5</sup>. There should be a reduced need to travel because activities are site-based and located close to markets eliminating commuting and delivery trips. This would not be the case here. For example, the appellant stated at the hearing that she would not have a fridge or freezer but would use her sister's in St Dogmael's instead. The evidence does not demonstrate that transport targets would be met as there would be no reduction in transport costs. This would also adversely affect the ecological footprint analysis. This factor must also count against the proposal.

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<sup>3</sup> Paragraphs 6.1.5 – 6.1.9

<sup>4</sup> Paragraphs 6.1.23 and 24

<sup>5</sup> Paragraph 3.118 of the OPD Practice Guidance.

### *Other Matters*

28. The track leading to the site is in separate ownership and the appellant has provided evidence of a right of way along this track for agricultural purposes. The granting of planning permission would not affect any existing land ownership or private rights of way. Disputes of this sort are not a matter for the planning system being private or civil matters.
29. The NP Authority had some concerns about the location for growing non-native primroses on the ecology of the area and the adjoining Site of Special Scientific Interest. It was suggested that growing primroses should only be in garden areas. Other concerns were raised in relation to reed beds and solar panels not shown on plans, fencing details not provided, buffer strips between chickens and the stream not being clearly shown and details of the planting to the green roof. I am satisfied that these matters could have been addressed by conditions on a planning permission.

### **Conclusion**

30. I note the urgency of action to combat climate change and live more sustainably. As detailed above, national and local policy and guidance provides a framework for assessing proposed OPDs. Guidance recognises that a flexible and reactive approach is required to OPD. The appellant has argued that a process of trial and error would address any shortcomings in the business plan. Any shortfall in one income stream would be addressed by finding an alternative income source. I also appreciate that the performance of the MP would be monitored, and corrective action taken if the objectives are not realised. Information on an exit strategy if the enterprise fails has been provided and the NP Authority's concerns regarding timescales could have been addressed by planning conditions.
31. However, the practice guidance points out that OPD is only allowed if the demanding requirements of TAN6 and the guidance are met. It is necessary for OPD proposals to be closely scrutinised, based on the submitted information. A good MP should be rich in information as to how the essential criteria outlined in the guidance are to be met. The MP in this case provides a lot of information on how the OPD could work in theory with little evidence or detail on how the various enterprises would actually operate and succeed. I find the appellant's evidence of food production and income to be aspirational assumptions in terms of yields, productivity and sales. This is not more persuasive because since the previous appeal, little appears to have changed on the site. I therefore conclude that the land-based income and food production figures would not be sufficient to comply with the practice guidance.
32. The energy needs of the development may not be met certainly within the first 5 years, as required by the guidance. There are also discrepancies on the projected costs and materials to be used in the construction of the dwelling. Furthermore, the cost of the dwelling would have significant financial implications in the event of failure. There would be no reduction in transport costs contrary to the ethos and targets for OPD.
33. There is an over-reliance on trial and error in terms of if one enterprise fails then another can always be started to replace it. This does not reassure me on the basic soundness of the MP, which is supposed to be evidence-based and demonstrate that the proposal will meet the essential criteria of OPD. I conclude that the proposal would not comply with the guidance and policy on OPD for these reasons. The need to live on this site in the open countryside cannot therefore be justified. It then follows that the proposal would be contrary to national planning policy, Local Development



Plan policy 47 and the relevant supplementary guidance. The evidence of Cadw that the proposed dwelling would cause slight damage to the setting of two nearby Ancient Monuments reinforces the above conclusions.

34. 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 objectives in relation to ensuring that all development is sustainable as required by PPW, prepared in accordance with and based on the above Act. Having taken all the relevant matters into account, I conclude that the appeal should be dismissed for the reasons given.

*A L McCooey*

**Inspector**