

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 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 appeal has been dismissed and a copy of the Inspectors report is attached for your information.

NP/18/0169/FUL Track for mobility scooter & engineering works (retrospective) – Penberry, Little Haven
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 appeal has been allowed and a copy of the Inspectors report is attached for your information.

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



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 07/01/19

gan Mr A Thickett BA(Hons) BTP,
MRTPI, Dip RSA

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 25/01/19

Appeal Decision

Site visit made on 07/01/19

by Mr A Thickett BA(Hons) BTP, MRTPI,
Dip RSA

an Inspector appointed by the Welsh Ministers

Date: 25/01/19

Appeal Ref: APP/L9503/A/18/3206677

Site address: Penmynydd Uchaf, Spring Hill, Dinas Cross, Pembrokeshire, SA42 0YH

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 J Heron against the decision of Pembrokeshire Coast National Park Authority.
 - The application Ref NP/18/0151/FUL, dated 5 March 2018, was refused by notice dated 4 May 2018.
 - The development proposed is change of use and extension of former goat shed/office to holiday cottage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development conflicts with local policies designed to protect the countryside and promote sustainable development
 - the impact of the proposed development on the character and appearance of the National Park

Procedural matters

3. Planning permission to convert a goat shed to a home office at the appeal site was granted in 2016. At some point following the grant of that permission the appellant extended the building and converted it to provide holiday accommodation. The appeal application sought to regularise these unauthorised works and to extend the building still further.
4. Following the refusal of the appeal application the building subject to this appeal was damaged by fire. Most of the roof has collapsed, the porch, windows and doors destroyed and the inside completely ravaged such that at the time of my visit all that was left internally were charred remains. The appellant contends that the building can be rebuilt without the need for planning permission. No legislative or case law

evidence has been provided to support this argument. Further, nothing has been submitted with regard to the fire's impact on the structural integrity of the walls and whether the building can be restored without works would that would constitute development (as defined in s55 of the 1990 Act) and therefore require planning permission. To formally establish the position it would be necessary for the appellant to pursue an application for a certificate of lawfulness under s192 of the Act.

5. As it stands there is no building to convert and the grounds on which the appeal application was made have been superseded by the destruction of most of the building by the fire. In addition, it seems to me that even if planning permission is not required to restore the building those works would be limited to restoring it to its lawful use and size i.e. before it was extended and converted to provide holiday accommodation. I could, therefore, go no further. However, the appellant has requested that the appeal be determined on the basis that the building can be restored to its former condition without the need for planning permission. I will do this but it should not be construed that by doing so that I agree that planning permission is not required to restore the building.

Reasons

6. Policy 7 Pembrokeshire Coast National Park Local Development Plan to 2021, adopted 2010 (LDP) is permissive of development in the countryside provided, amongst other things, it constitutes the conversion of appropriate buildings and that conversions must not result in unacceptable impacts on the structure, form, character or setting of the building. The policy goes on to say that the conversion of buildings that are obtrusively located in the landscape will not be permitted and that accessibility to Centres will be an important consideration.
7. The reasoned justification to the policy explains that 'appropriate building' includes agricultural buildings, former churches and dwellings where the residential use is lost. Given that before the fire the lawful use of the building was as a home office none of these examples apply although the text is not written in such a way that other types of building are ruled out. However, the reasoned justification does say that buildings should make a positive contribution to the character of the area '*through their intrinsic architectural merit or their setting in the landscape*'.
8. The appeal site lies in an elevated position on the western side of Mynydd Dinas. The landscape is bare and open and there are extensive views across to Fishguard and the sea. The site is isolated with few buildings dotted sporadically around the nearby countryside. The beauty of this landscape is derived from its wide open expanses with few buildings. The traditional buildings (like Penmynydd Uchaf) complement and make a positive contribution to this upland landscape.
9. Photographs of the building before the fire show that it was mainly constructed of concrete blocks with a metal roof. There was a timber porch but it's not clear whether that was part of the unauthorised additions carried out to convert the building to holiday accommodation. The use of these types of material are cited in the LDP as potential factors that can lead to a building being considered to be visually intrusive in the landscape. From the photographs of the building and my observations, it cannot be described as having any intrinsic architectural merit. Nor would this modern, utilitarian structure have had a positive impact on the landscape in which it sat.
10. The spatial strategy of the LDP is to direct development to locations which have a reasonable range of facilities and access by public transport. The Authority's Accessibility Supplementary Planning Guidance (SPG) advises that a site is deemed to

be accessible if it is within 1km of a bus route, provided the route between the site and the bus service is appropriate and safe for public use. The NPA asserts that there is no bus service within 1km of the site whereas the appellant claims that there is a bus route within easy walking distance. The site lies about half a mile from the road and accessed by a rough track. The appellant claims that it is suitable for most types of domestic, commercial and emergency service vehicles and suitable for '*almost all modes of transport*'.

11. I disagree; the track is unmade, deeply rutted in places and in places difficult to negotiate even in the large SUV the hire company had provided me with for the trip. Further, the road down Dinas Cross is exposed with no footway. Walking to the road is unlikely to be an attractive option even in daylight and good weather. The LDP and SPG state that conversions may be permissible in locations deemed not to be accessible as defined in the SPG. But the SPG is clear that this exception applies '*where the historic or architectural merit of the building which can be preserved by the proposal outweighs the requirement for the site to be accessible by non-car modes*'. As stated above, that exception does not apply here.

Conclusion

12. Even before it was damaged by the fire the building could not be described as enjoying any intrinsic architectural merit or having a positive impact on the landscape of the National Park. Its conversion, therefore, would have conflicted with Policy 7 of the LDP and Policies 1, 15 and 30 all of which seek to protect the beauty of the National Park. Nor, given the constraints I identify above, can the site be described as accessible and so there is also conflict with Policy 52.
13. For the reasons given above and having regard to all matters raised, I find that the proposed development conflicts with local policies designed to protect the countryside and promote sustainable development and that it would have a detrimental impact on the character and appearance of the National Park. Consequently, I conclude that the appeal should be dismissed.
14. 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 creating attractive communities.

Anthony Thickett

Inspector



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 22/08/18

Ymweliad â safle a wnaed ar 22/08/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 09/01/2019

Appeal Decision

Hearing Held on 22/08/18

Site visit made on 22/08/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 09/01/2019

Appeal Ref: APP/L9503/C/18/3198039

Site address: The land and buildings at the former Anti U-Boat Listening Station ("the Building"), Garn Fawr, Nr Strumble Head, Pembrokeshire SA64 0JJ

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 Kevin & Julia Niblett against an enforcement notice issued by Pembrokeshire Coast National Park Authority.
 - The enforcement notice, numbered EC15/0112, was issued on 9/02/2018.
 - The breach of planning control as alleged in the notice is "without planning permission, the material change of use of the Building to use for residential purposes".
 - The requirements of the notice are to:
 - i. Cease the use of the Building and Site for residential purposes; and
 - ii. Permanently remove from the Building and Site all domestic paraphernalia, furnishings and fittings brought into, onto or attached to the Building and Site for the purpose of that use.
 - The period for compliance with the requirements is 6 weeks for 5(i) and 6 months for 5(ii).
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the use of the land and buildings at The land and buildings at the former Anti U-Boat Listening Station ("the Building"), Garn Fawr, Nr Strumble Head, Pembrokeshire SA64 0JJ, as shown on the plan attached to the notice, for the material change of use of the Building to use for residential purposes subject to the conditions in the schedule below.

Application for costs

2. At the hearing an application for costs was made by Kevin & Julia Niblett against Pembrokeshire Coast National Park Authority. This application will be the subject of a separate decision.
-

Procedural matters

3. At the hearing, I sought written clarification on matters which were agreed between the Authority and the appellants in relation to the ground (f) appeal and possible planning conditions to be imposed. The Authority also requested more time to submit rebuttal statements on the cost application and the appellants have responded accordingly. Both parties have had sight of each other's comments and have had an opportunity to respond.

The appeal on ground (a) and the deemed application

4. The main issue in this case is whether the significance of the building is sufficient to outweigh any conflict with the development plan and national planning policies and the statutory purpose of the National Park.
5. The appeal building lies south of Strumble Head and an equal distance between Garn Fawr and Garn Fechan scheduled ancient monuments (SAMs). CADW¹ has confirmed that the alterations to the structure to date are small scale and minor and that cumulatively they do not constitute a significant impact on the settings of the SAMs. I have no reason to disagree with this conclusion given the separation distance involved and that the minor works to the building have been accepted by the Authority as not comprising development under Section 55(2)(a)(ii) of the Act as amended.
6. CADW advises that a preliminary assessment in 2009 concluded that the building met the criteria for scheduling but the decision was deferred to allow a scheme to obtain planning permission and that in the event that permission were to be granted the building would have been listed. CADW has indicated that the evidence produced by the appellants demonstrate that the site is historically and evidentially significant. An assessment by CADW records that the building has military historical importance for its role in developing telecommunications and radar research. It notes that the building's location and functional design and appearance reflect its former military use. It notes that the building is a particularly rare example of a Second World War military building that is historically significant for radar development, national communication networks and the advancement of radiofrequency capability.
7. The appellants have provided a comprehensive package of research on the historical significance of the building for this appeal and oral evidence was provided at the hearing. The Authority has not challenged this evidence and confirmed at the hearing that it agreed with the appellant's heritage statement.
8. As part of that heritage statement the appellants case examines possible re-uses for the building. The appellants preferred approach is to use the building as holiday accommodation, which in effect has been undertaken.
9. Policy 7 of the Pembrokeshire Coast National Park Local Development Plan (LDP) permits amongst other things the conversion of appropriate buildings with the priority given to affordable housing. It is an agreed matter between the parties that it would not be a requirement to seek an affordable housing contribution in this case should the development be granted and restricted by planning condition that the unit is occupied as holiday accommodation only. The policy explains that the conversion of obtrusively located buildings in the landscape will not be permitted. The policy explanation in paragraph 4.47 indicates that the form, design and bulk of buildings should be in keeping with the surroundings and these are considered as those that

¹ Letter dated 16/05/2018

make a positive contribution to the character of the area through their intrinsic architectural merit or their setting in the landscape. The policy explains that it is the building's interest and charm which provides an appreciation of the functional requirement of the building, the layout, proportions, type of materials used and the display of local building methods. The form, bulk, design and materials used in some buildings can make them visually intrusive in the landscape and conversions of buildings that are obtrusively located in the landscape are not supported.

10. The historical importance of this building stems from its functional design and the requirement to house secret and sensitive equipment in an isolated location. The building's location was necessary to develop and test communication, and detection technologies to gain military advantage in secret. The appeal site setting was chosen for these attributes and I consider that the historical importance of the building can be considered to make a positive contribution to the character of the area by virtue of its cultural, historic and archaeological significance. The setting of the building was chosen for its isolation and the building in my view given its historical importance can now be considered to be an appropriate building for conversion in LDP Policy 7 terms.
11. The building pre-dates the National Park designation and the notice cannot attack its continued presence in the landscape. The Authority and the previous Inspector which dismissed previous appeals² on the site describes the building as stark, utilitarian, discordant feature and visually intrusive. The heritage statement accepts that the building has always had a stark and utilitarian design and appearance, but the restoration and conversion has in turn softened its appearance. I would concur, the building has a more subdued appearance following its restoration/conversion, and given that the building has stood before the National Park designation came into effect, and will continue to be a feature of this landscape regardless of the outcome of this appeal, it would be an appropriate building for conversion in Policy 7 terms as a result of its historical importance.
12. Whilst the building is not presently listed, CADW's letter is a material consideration and the considerable evidence now presented on the building's historical importance leads me to a different conclusion from previous appeal decisions on the site. This new information and CADW's conclusions on the historical importance of the building are the distinguishable factors that lead me to conclude that the development would not conflict with LDP Policy 7. The Authority agreed in the hearing that should the development be policy compliant with Policy 7 then it follows that there would be no conflict with other policies 1, 8, 15, 29 and 44 of the LDP.
13. The appellants have provided an initial landscaping proposal to mitigate the effects of the domestic activity associated with the use and to restrict the parking area to near the garage building by introducing hedge banks. This scheme would in my view largely mitigate the effects of the development for holiday use in compliance with LDP Policy 15.
14. I therefore conclude that the building has historical significance and the development would not conflict with the development plan and national planning policies or the statutory purpose of the National Park.

Conclusions

15. The ground (a) appeal and the deemed application succeeds. The enforcement notice is quashed. There is no need to go on to consider the ground (f) appeal.

² APP/L9503/A/11/2157690 & 2157685

16. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WCFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

Schedule of conditions

17. There is broad agreement between the parties on the conditions to be imposed. Condition 1 is needed to control the use of the building as holiday accommodation distinguishable from that of a permanent residential unit in the interests of protecting the special qualities and scenic beauty of the National Park. Condition 2 is needed to ensure that the special qualities and scenic beauty of the National Park are conserved. Condition 3 is needed to ensure that appropriate landscaping, materials, parking and information on the history of the building is sensitively implemented to conserve the scenic beauty of the National Park and its special qualities. This form of condition ensures that where development has already been carried out the necessary schemes are submitted and implemented, and in the absence of such a submission the use of the building ceases or where the Authority refuses such a scheme there is a right of appeal.
- 1) The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
 - 2) Notwithstanding the provisions of schedule 2, part 1, classes A to E 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 alteration to the buildings shall be undertaken and no buildings shall be erected.
 - 3) The use hereby permitted shall cease within 9 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) within 6 months of the date of this decision a scheme for hard and soft landscaping, statement setting out the landscaping design objectives and delivery, scheme for vehicles and pedestrian access and circulation areas and hard surfacing materials, a scheme for minor artefacts and structures (furniture, play equipment, refuse, storage units and interpretation signs, and future management of the artefacts and structures, details of planting plans, plant sizes, numbers and densities shall have been submitted for the written approval of the local planning authority and the schemes shall include a timetable for their implementation.
 - ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers.
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted schemes shall have been approved by the Welsh Ministers.

- iv) the approved schemes shall have been carried out and completed in accordance with the approved timetable.

Iwan Lloyd

INSPECTOR