REPORT OF THE DEVELOPMENT MANAGEMENT MANAGER ON APPEALS

The following appeals have been lodged with the Authority and the current position of each is as follows:-

<u>EC21/0041</u> Type Current Position	Installation of four rooflights within the front roof slope elevation and the erection of a glass balustrade along the front boundary forecourt - Cambrian House, Settlands Hill, Little Haven, Haverfordwest, Pembrokeshire, SA62 3LA Written Reps The initial documentation has been forwarded to PEDW
<u>EC21/0097</u> Type Current Position	Unauthorised change of use of land from agricultural to residential - OS Field No.'s 6881 & 7878 north of Ffynnonwen, Brynberian, Crymych, Pembrokeshire, SA41 3UB Written Reps The initial documentation has been forwarded to PEDW
<u>EC21/0145</u> Type Current Position	Construction of new access and access track; erection of timber cabin for residential use; storing of touring caravan; storing of converted van type vehicle; erection of solar panels & erection of tented canopy - Land OS Parcel No. 1050, known as Pwllau Clau, Crosswell, Crymych, Pembrokeshire, SA41 3SA Written Reps The initial documentation has been forwarded to PEDW
<u>EC21/0201</u> Type Current Position	Alleged unauthorised residential caravan in field - Nettie's Lodge, Happy Acre, Lydstep, Tenby, Pembrokeshire, SA70 7SG Written Reps The initial documentation has been forwarded to PEDW
<u>EC22/0024</u> Type Current Position	Erection and siting of summerhouse/shed - Land referred to as Llainfach, northwest of Carnhedryn Uchaf, near St Davids, Pembrokeshire Written Reps The initial documentation has been forwarded to PEDW
<u>EC24/0029</u> Type Current Position	Alleged unauthorised Siting of Caravan - Land to the rear of Jacks Drift, Moreton Lane, Incline Way, Saundersfoot, SA69 9LX Written Reps The initial documentation has been forwarded to PEDW

<u>NP/24/0175/FUL</u> Type Current Position	Rear first floor extension. Extended garage and reconfigured driveway/parking - 35, Holbrook Road, Broad Haven, Haverfordwest, Pembrokeshire, SA62 3HZ Written Reps The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.
<u>NP/23/0556/FUL</u>	Retention of residential annex and residential curtilage extension - Leet Cottage, Little Haven, Haverfordwest, Pembrokeshire, SA62 3UH
Type Current Position	Written Reps The appeal has been allowed and a copy of the Inspectors decision is attached for your information
<u>NP/23/0555/S73</u>	Variation of Condition 1 of NP/19/0693/FUL to extend the permission for a further 5 years from the original expiry date - Temple House, Square & Compass, Haverfordwest, Pembrokeshire, SA62 5JJ
Type Current Position	Written Reps The appeal has been dismissed and a copy of the Inspectors decision is attached for your information. The appellant applied for costs and that was also dismissed and a copy of the Inspectors decision is attached for your information.
<u>NP/23/0333/PNA</u>	Proposed welfare shed/dry room building - Little Portclew Farm, Chapel Lane, Freshwater East, Pembroke, Pembrokeshire, SA71 5LB
Type Current Position	Written Reps The appeal has been dismissed and a copy of the Inspectors decision is attached for your information
<u>NP/23/0246/FUL</u>	Change of use of pitch & putt area & expansion with 10 self- contained bespoke mobile lodges/caravans & car parking together with ecological enhancements – Tretio Caravan & Camping Park, St Davids
Type Current Position	Written Reps The initial documentation has been forwarded to PEDW

Appeal Decision

by Paul Selby BEng (Hons) MSc MRTPI an Inspector appointed by the Welsh Ministers Decision date: 15-11-2024 Appeal reference: CAS-03692-Q1R7J0 Site address: 35 Holbrook Road, Broad Haven SA62 3HZ

- 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 Kevin Roberts against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/24/0175/FUL, dated 20 March 2024, was refused by notice dated 12 July 2024.
- The development proposed is Rear first floor extension. Extended garage and reconfigured driveway/parking.
- A site visit was made on 1 November 2024.

Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposal on the character and appearance of the area.

- 3. The appeal relates to a detached dwelling situated within a residential street of properties of similar type and scale. The plot slopes down from its frontage on Holbrook Road towards a linear public open space to the rear which accommodates a footpath and connects to other areas of open space in the vicinity. The rear of the appeal property and its neighbours are readily visible from both the footpath and other public viewpoints within the open space network.
- 4. Although the appeal property and adjacent dwellings on the west side of Holbrook Road read as typical suburban detached properties of their era, the presence of rear first floor balconies reflects the dwellings' elevated position and is redolent of the character of Broad Haven as a beachside community. Whilst not uniform in appearance, the balconies' visual permeability at first floor level moderates their mass. Their similar placement relative to the principal rear elevations of the row of properties contributes positively to the spacious character of this residential area from proximate viewpoints.
- 5. The proposed double gabled first floor extension would be located above an existing ground floor extension, avoiding any increase in built footprint, and the ridge of the gables would be set well below that of the main roof. Nonetheless, the mass of the property at first floor and roof level would shift appreciably to the west, particularly in oblique views which would expose the extension's notable depth. Although well-proportioned in isolation, the gables' shallow pitch would clearly depart from the roof forms present in the

existing property. Viewed from the adjacent public space, the ensemble would present as ungainly, complex and overly dominant within the plot. Although I saw several examples of gabled roof extensions facing the sea in the wider area, the scale and placement of the rear extension would jar obtrusively with the neighbouring built form, harming the character and appearance of the immediate residential area when viewed from the adjacent public space. A condition requiring final sign-off from the Authority of external materials would not adequately mitigate this harm.

- 6. There is little evidence that the proposal would be less harmful than other forms of rear extension, or that these represent realistic alternatives. Whilst I acknowledge the likely greater visual effect associated with the development of the nearby site allocated within the Pembrokeshire Coast Local Development Plan 2 (LDP), the provision of additional housing is likely to carry weight as a benefit, limiting the ability to make any meaningful comparison between this other proposed development and the appeal scheme.
- 7. The proposal also seeks to extend the front garage to the boundary, reconfigure the driveway, install frontage gates and construct a porch. Whilst these elements of the proposal do not appear to constitute a reason for refusal in the Authority's decision notice, they are nonetheless before me as component parts of the appeal scheme. Although the proposed porch and reconfigured driveway would have a negligible visual impact from the street, the extended garage and gates would considerably enclose the site frontage. Whilst boundary walls and garages adjacent or close to the footway are common within this part of Holbrook Road, frontages of properties are generally partially open or accommodate natural landscaping above eye level, which softens their visual impact. Conversely, the height of the proposed gates would be above the eye level of pedestrians, limiting passive surveillance from the street and presenting a somewhat austere form of enclosure, adversely affecting the character of the street scene.
- 8. Viewed from more distant vantagepoints, the visual effect of the rear extension would be limited as it would be seen in the context of the varied architecture present within the wider residential area. The proposed alterations to the front of the property would be appreciable only in close-range views of the street scene. Consequently, the proposal would have a considerably limited impact on the special qualities of the National Park, which in visual terms relate principally to the appreciation of its natural, undeveloped and/or historic built environment. I therefore find no conflict with LDP policies 1, 6, 8 or 14 in this regard. Nonetheless, for the stated reasons I conclude that the proposal as a whole would harm the character and appearance of the immediate area, contrary to the objective of LDP policies 29 and 30 for development to be well designed in terms of place and local distinctiveness and to be of a scale compatible with its surroundings.
- 9. I have had regard to the other matters raised, including the support from the Community Council, the nature of the LDP designations to the west of the site, and the manner in which the Authority made its decision, but these have little bearing on the merits of the scheme and/or do not alter my conclusions. I shall therefore dismiss the appeal.
- 10. 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 to make our cities, towns and villages even better places in which to live and work.

Paul Selby

Appeal Decision

by Paul Selby BEng (Hons) MSc MRTPI an Inspector appointed by the Welsh Ministers Decision date: 18-11-2024 Appeal reference: CAS-03508-D8N9V2 Site address: Temple House, Square and Compass, Haverfordwest, SA62 5JJ

- 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 Mr R and Ms C Wigley-Jones against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/23/0555/S73, dated 25 October 2023, was refused by notice dated 22 December 2023.
- The application sought planning permission for Demolition of former agricultural shed and construction of residential dwelling without complying with a condition attached to planning permission Ref NP/19/0693/FUL, dated 9 April 2020.
- The condition in dispute is No 1 which states that: "The development shall begin not later than five years from the date of this decision".
- The reason given for the condition is: "Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act (as amended)".
- A site visit was made on 1 November 2024.

Decision

1. The appeal is dismissed.

Procedural Matter

2. There are some discrepancies between the submitted plans and the physical conditions I observed on site. By the time of my site visit the storage shed shown on the plans had been removed and the concrete base broken up, with only a modest oil storage shed remaining. I also saw that a fence had been erected along part of the appeal site's southern boundary, north of Temple Cottage. Furthermore, I noted that the northern extended beyond it, as is shown on some of the plans. My decision takes account of these site observations as well as the written evidence.

Main Issue

3. The main issue is whether the disputed condition is reasonable and necessary having regard to local and national policy designed to protect the countryside.

Application for costs

4. An application for costs has been made by Mr R and Ms C Wigley-Jones against Pembrokeshire Coast National Park Authority. This application is the subject of a separate decision.

- 5. The appeal relates to a parcel of land bounded to the north by open fields. To the east, southeast and south are three dwellings which I am informed are in use as holiday accommodation. To the site's west are dwellings associated with the cul-de-sac of Golwg Y Mor. Both this cul-de-sac and the appeal site are accessed from the A487, along which the dispersed linear settlement of Square and Compass is arranged.
- 6. The appellant seeks for condition No 1 to be varied to provide a further 5-year period (from the date of decision) in which to allow the existing permission, granted in 2020, to be implemented. Paragraph 5.21 of Circular 016/2014 'The Use of Planning Conditions for Development Management' states that, as a general rule, such applications should only be refused in three circumstances. In this case, as the proposal relates to a single dwelling, continued failure to begin the development would not contribute to unacceptable uncertainty about the future pattern of development. Moreover, with less than 5 months to run until the expiry of the existing permission (at the time of writing), it seems to me that the planning application was appropriately timed rather than premature.
- 7. Of greater relevance, however, is the first criterion set out under para 5.21, which refers to a material change in planning circumstances. The Pembrokeshire Coast National Park Local Development Plan 2 (LDP2) was adopted in September 2020, after the existing planning permission was granted. Unlike its predecessor, LDP2 excludes the appeal site from the 'Centre Boundary' for Square and Compass. I saw on my site visit that although the appeal site is bounded to the south and west by the Centre Boundary, due to the adoption of LDP2 it now technically lies within the open countryside.
- 8. I have had regard to the appellant's concerns regarding the LDP2 examination process and the National Park Authority's related candidate site assessment methodology. From what I saw on my site visit, there is some divergence between observed 'plot' boundaries and the position of the Centre Boundary designated on both the LDP2 Proposals Map and its predecessor. Nonetheless, determining the position of a settlement boundary will require discretion as to the application of the assessment criteria and I am not in full possession of the facts which may have led to certain parcels of land being included or excluded. I note that the extant planning permission was granted some months after the LDP2 examination hearings were held, and only a few weeks before the Inspector's final report was issued, but in any case, LDP2 has been confirmed as being prepared in accordance with the procedural regulations, found to be a sound plan, and subsequently adopted. Consequently, it now forms part of the development plan to which I must have regard in this appeal.
- 9. Policy 7 of LDP2 sets out criteria for acceptable forms of development outside identified Centres, none of which apply to the appeal scheme. Policy 50 permits housing developments only in certain circumstances; for example, where it would constitute sensitive infilling of a small gap or a minor extension to a settlement lacking a Centre Boundary; or would represent an 'exceptional land release' adjoining a Centre which would meet an identified local need for affordable housing in accordance with policy 49. Whilst I note that the existing permission was accompanied by a Unilateral Undertaking securing a commuted sum for affordable housing, the proposal does not meet the definition of an 'exception site' in terms of policy 49. Nor would it represent an infill or small extension to a settlement lacking a Centre Boundary. Consequently, I conclude that

the proposed variation to condition No 1 would conflict with policies 7 and 50 of LDP2, and thus with the development plan as a whole.

- 10. Notwithstanding the above, the appellant contends that there are other considerations which indicate that planning permission should be granted. These include the visual effect of the proposal in the context of the adjoining 'cluster' of dwellings, and circumstances which have delayed implementation of the existing planning permission.
- 11. Irrespective of the actual use of the former storage shed, the submitted plans suggest it featured a simple, rural design which would be appropriate to the rural locale. At the time of my visit the site accommodated debris and a modest storage shed, but it exhibited a predominantly open appearance which in visual terms bore more in common with the fields to the north and east than with nearby residential properties. It appears from the plans that the rear elevation of the proposed dwelling would extend further north than the former storage shed, and well beyond the footprint of other dwellings within the courtyard 'cluster', with a curtilage extending further north than the fenced garden area for Temple Barn. The ridge of the dwelling would also be considerably higher than the former shed, and whilst I acknowledge the quality of its design and external materials, the structure would have an evidently domestic character which would be appreciable from the A487. The proposal would thus lead to the palpable encroachment of residential built form onto land of rural character in the open countryside, which in my view would not accord with the statutory purpose to conserve and enhance the natural beauty of the National Park.
- 12. The appellant also contends that an exceptional combination of circumstances has delayed the project's implementation. Although the economic effects of the Covid pandemic and war in Ukraine are well recognised, inflation has since considerably reduced and there is limited evidence to demonstrate that inflationary constraints are likely to potentially delay the project's implementation for a further 5 years. There is also little to explain why effects in relation to the supply of materials and labour, and the costs of energy, construction, financing and land values, have represented a particular challenge for this specific scheme. In the absence of compelling evidence to support the claims made I afford limited weight to these matters.
- 13. For the reasons given above I conclude that condition No 1 is necessary and justified and that varying it to extend the time limit for implementing the planning permission would conflict with the extant development plan. No other considerations indicate that planning permission should be granted contrary to the development plan.
- 14.1 have considered the other matters raised but none alters my decision. I shall therefore dismiss the appeal.
- 15. 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 one or more of the Act's sustainable development principles.

Paul Selby

Costs Decision

by Paul Selby BEng (Hons) MSc MRTPI an Inspector appointed by the Welsh Ministers Decision date: 18-11-2024 Costs application in relation to Appeal Ref: CAS-03508-D8N9V2 Site address: Temple House, Square and Compass, Haverfordwest, SA62 5JJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
- The application is made by Mr R and Ms C Wigley-Jones for a full award of costs against Pembrokeshire Coast National Park Authority.
- The appeal was against the refusal of planning permission for Demolition of former agricultural shed and construction of residential dwelling without complying with a condition attached to planning permission Ref NP/19/0693/FUL, dated 9 April 2020.
- A site visit was made on 1 November 2024.

Decision

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

- 2. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
- 3. In essence the applicant seeks a full award of costs on the basis that the National Park Authority ('the Authority') prevented development which should clearly be permitted, having regard to material considerations advanced during the planning application stage; particularly in relation to the appropriateness of the 'Centre Boundary' for Square and Compass as designated in the Pembrokeshire National Park Local Development Plan 2 (LDP2) and the visual effect of the proposal, having regard to the baseline position.
- 4. As set out in the substantive decision, LDP2 has been adopted and I am therefore required to have regard to policy contained therein, including those policies which designate Centre Boundaries on the accompanying Proposals Map and contain related criteria for decision-making. Whilst I acknowledge that the boundary in the vicinity of the appeal site does not always appear to align exactly with the settlement edge, I do not accept the applicant's contention that it is unreasonably inaccurate. In any case, it is not within the scope of an appeal made under section 78 of the Town and Country Planning Act 1990 to reopen the 'soundness' of an adopted LDP. In making its decision the Authority was correct in having regard to current policy.
- 5. Notwithstanding the above, decision-makers must consider whether there are material considerations which may outweigh any policy conflict. In relation to a 'breach' of a Proposals Map boundary, it is appropriate to consider whether a scheme would be

materially harmful in terms of the objectives sought by the relevant policies. In this case, that includes policies of LDP2 which seek to secure the sustainable expansion of settlements whilst protecting against undue encroachment into the open countryside.

- 6. The Authority's Delegated Decision Report recognises that the proposal would constitute market housing rather than affordable housing. Whilst not explicitly addressing the visual impact of the proposed dwelling, it also notes that the site's position outside the redrawn Centre Boundary is an important consideration which supports the retention of the site as open countryside. Other considerations to be weighed in the balance are also recorded. There is little evidence of obvious omissions which might have led the Authority to consider taking a decision contrary to the policies set out in LDP2.
- 7. In any case, in the substantive decision I have found that the proposal would cause visual harm, having regard to the baseline condition of the site, whether containing the storage shed or not; and that no other considerations would outweigh the identified conflict with the development plan. In such circumstances, paragraph 3.8 of the Annex says that there should generally be no grounds for an award of costs against a local planning authority for the unreasonable refusal of an application.
- 8. Whilst I have considered the other matters raised in the applicant's evidence, none alters my findings. For the above reasons I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Annex, has not been demonstrated. The application for an award of costs is therefore refused.

Paul Selby

Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 09/10/2024

Appeal reference: CAS-03286-L3K6H0

Site address: Little Portclew Farm, Chapel Lane, Freshwater East, Pembroke, Pembrokeshire, SA71 5LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval under the provisions of Parts 6 & 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended.
- The appeal is made by Mr Jason Gillingham against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/23/0333/PNA, dated 27 June 2023, was refused by notice dated 8 September 2023.
- The development proposed is a welfare shed.
- A site visit was made on 12 August 2024.

Decision

1. The appeal is dismissed.

Procedural Matters

- 2. In accordance with Parts 6 & 7 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order Wales 1995 (as amended) (GPDO), the appellant sought a determination as to whether prior approval was required for the proposed building. The application was accompanied by full details to allow consideration of the prior approval. The decision notice issued by the Authority relates to the refusal of works under Part 6, Agricultural Buildings and Operations.
- 3. The application submission included photographs of the welfare shed in situ, however, at the time of my site visit it was not there. The submitted photographs are of the proposed building. I have determined the appeal on that basis.

Main Issues

4. This is whether the proposal is permitted under the provisions of Part 6 Schedule 2 of the GPDO, and if so, whether prior approval should be granted for its siting, design and external appearance.

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- 5. On the basis of the evidence before me and having regard to all the conditions and limitations set out in Part 6 Schedule 2 of the GPDO, the matters in dispute are whether the proposed development is reasonably necessary for the purposes of agriculture within that unit and whether the proposal would involve the provision of a building, structure or works not designed for agricultural purposes. There is no dispute between the parties that the proposal would not otherwise comply with the other relevant conditions and provisos of Part 6.
- 6. The appeal site relates to land in connection with Little Portclew Farm, comprising agricultural fields located to the north of the farmhouse and its outbuildings. The appeal proposal would be sited adjacent to the northern boundary of the field furthest away from the farm complex, adjacent to a field storage shelter and a portable toilet. The agricultural land which relates to the appeal site is currently used for arable crops. However, the appellant intends to transition the land to wildflower meadows and woodland and it is intended to harvest wildflower seeds to sell. Although this operation is not taking place at present, I am satisfied that it falls within the definition of agriculture.
- 7. For the building to be considered reasonably necessary for the purpose of agriculture within that unit, the structure itself and the uses carried on within it, must be necessary for the use of the land as an agricultural unit as a whole. Although the proposal would be located near an existing agricultural building which was recently constructed under permitted development rights, this in itself would not be a reason to conclude that the proposed building would not be reasonably necessary. Nonetheless, there are currently 3 people working on the land and the appellant intends to use volunteers to help with the works required to undertake the transition of the land to wild flower meadow and woodland and during the harvesting and sorting of the seeds. The proposed building would provide welfare facilities and an area to shelter from bad weather for the volunteers and existing workers, which the appellant contends is a vital requirement. However, it has not been demonstrated that there are no other such facilities for people engaged with work on the farm.
- 8. It is also the appellant's intention to involve schools in the project and it is stated that the proposed building would be essential for that, and that the proposal would enable people to view and seek information on creating their own wild flowers. In my view, such uses involving the community and people not engaged in the employment or the operation of the farm, would be beyond a use that is necessary for the operation of the agricultural unit. Consequently, and on the basis of the evidence before me, I do not consider that the proposal demonstrates that the building is reasonably necessary for the purpose of agriculture within that unit.
- 9. Even if the development were to be considered reasonably necessary, development is not permitted by Part 6 of the GPDO if it would involve the provision of a building, structure or works not designed for agricultural purposes. The submitted photographs show the welfare shed being constructed with profiled metal sheets partially clad in timber. It has a mono pitched roof with a centrally located flue and the front elevation has a narrow door with two small windows either side and is positioned on wheels with supporting legs at each corner. This gives the proposal the appearance of a mobile domestic structure. Although no details of the layout of the building have been provided, given its intended use, it is likely that it's layout would include seating areas, a toilet

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facility and, as it is proposed volunteers and workers would retire to the unit for refreshments and lunch, it appears likely that it would incorporate kitchen facilities, which would be more akin to a domestic/recreation building. For these reasons, and having regard to the intention to provide facilities for the community including schools and volunteers, it is my view that it would not be a building designed for the purposes of agricultural activities which might be reasonably conducted on the unit.

- 10. I note that the appellant states that the Scheduled Ancient Monument (SAM) is some distance from the proposed location of the unit and that the unit is proposed to be sited as far away from the SAM as possible. Nonetheless, the presence and proximity of the SAM has no bearing on the considerations in this case. The appellant has also drawn my attention to a recently sited caravan, used as a welfare shed, on agricultural land within 500m of the appeal site. However, the Authority has investigated and considers the use of the caravan is associated with the use of the land for agriculture.
- 11. To conclude, it is for the appellant to demonstrate the need for the development, and having regard to the facts and matters before me, I find that on the balance of probabilities, it has not been demonstrated that the proposal is reasonably necessary for the purposes of agriculture nor that it is a building designed for agricultural purposes. The proposal is not therefore permitted development under the provisions of Part 6 of the GPDO. In these circumstances, it is not necessary for me to go on to consider the prior approval matters of the siting, design and external appearance of the building.

Conclusion

- 12. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.
- 13. 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 one or more of the Welsh Ministers' well-being objectives.

H Smith