

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:-

EC21/0041 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

Type Written Reps

Current Position The initial documentation has been forwarded to PEDW

EC21/0097 Unauthorised change of use of land from agricultural to residential - OS Field No.'s 6881 & 7878 north of Ffynnonwen, Brynberian, Crymych, Pembrokeshire, SA41 3UB

Type Written Reps

Current Position The initial documentation has been forwarded to PEDW

EC21/0145 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

Type Written Reps

Current Position The initial documentation has been forwarded to PEDW

EC21/0201 Alleged unauthorised residential caravan in field - Nettie's Lodge, Happy Acre, Lydstep, Tenby, Pembrokeshire, SA70 7SG

Type Written Reps

Current Position The initial documentation has been forwarded to PEDW

EC22/0024 Erection and siting of summerhouse/shed - Land referred to as Llainfach, northwest of Carnhedryn Uchaf, near St Davids, Pembrokeshire

Type Written Reps

Current Position The initial documentation has been forwarded to PEDW

EC24/0029 Alleged unauthorised Siting of Caravan - Land to the rear of Jacks Drift, Moreton Lane, Incline Way, Saundersfoot, SA69 9LX

Type Written Reps

Current Position The initial documentation has been forwarded to PEDW

NP/22/0675/MOD Proposed discharge of Section 106 Agreement – Penpant Farm, Nine Wells, Solva
Type Written Reps
Current Position The appeal has been allowed and a copy of the Inspectors decision is attached for your information.

NP/23/0246/FUL 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 Written Reps
Current Position The appeal has been dismissed and a copy of the Inspectors decision is attached for your information

NP/23/0438/FUL Proposed 2 & 1/2 Storey 3-bedroom dwelling with integral garage and associated external works - Westfields, Wisemans Bridge
Type Written Reps
Current Position The initial documentation has been forwarded to PEDW

NP/24/0204/FUL Erection of a Community Cash Pod (CCP) (Use Class A2) - Land in north-east corner of Five Arches Car Park, Tenby, Pembrokeshire, SA70 7DT
Type Written Reps
Current Position The initial documentation has been forwarded to PEDW

NP/24/0126/FUL Demolition of existing kitchen. Alterations to existing fenestration and extension - Rising Sun, Nolton Haven, Haverfordwest, Pembrokeshire, SA62 3NN
Type Written Reps
Current Position The initial documentation has been forwarded to PEDW



Appeal Decision

by Zoe Baxter BSc, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 04/02/2025

Appeal reference: CAS-03493-R0N0B5

Site address: Pen Pant Farm, Nine Wells, Solva, Pembrokeshire, SA62 6UH

- The appeal is made under section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
 - The appeal is made by Ms & Mrs E & M Malein against the decision of Pembrokeshire Coast National Park Authority.
 - The development to which the planning obligation relates is a renovation of an existing former farm worker's (dwelling) cottage to create a rural enterprise worker's dwelling.
 - The planning obligation, dated 3 May 2013, was made between Pembrokeshire Coast National Park Authority and Andrew Patrick Malein and Marlis Malein.
 - The application Ref NP/22/0675/MOD dated 23 November 2022, was refused by notice dated 23 November 2023.
 - The application sought to have the planning obligation discharged.
 - A site visit was made on 9 January 2025.
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Decision

1. The appeal is allowed. The planning obligation, dated 3 May 2013, made between Pembrokeshire Coast National Park Authority and Andrew Patrick Malein and Marlis Malein does not serve a useful purpose and is discharged.

Procedural Matters

2. The site address is taken from the Appeal Form as this most accurately describes the site.
3. The Decision Notice and Appeal Form refer to both modifying and discharging the planning obligation. As the description refers to the discharge of the obligation and the National Park Authority's delegated report confirms that discharge of the obligation was considered, the appeal is determined on the same basis.

Main Issue

4. The main issue is whether the obligation meets the tests specified in Welsh Office Circular 13/97 Planning Obligations and in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the CIL Regulations), and, if it meets the tests, whether the obligation continues to serve a useful planning purpose.

Reasons

5. The property subject to the planning obligation is a former farm workers cottage converted into a detached residential dwelling which comprises the second dwelling at Pen Pant Farm alongside the existing farmhouse. This planning permission (ref.

NP/12/0412), was granted at appeal (ref. APP/L9503/A/13/2190756) in 2013 subject to a Unilateral Undertaking (UU) which contained the following planning obligations:

The Owner undertakes to the Authority that the:

- a) *ownership of the New Dwelling shall at all times remain in the same ownership as the remainder of the Property and the ownership of the New Dwelling shall not at any time be severed from the remainder of the Property.*
- b) *occupancy of the New 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 Authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.*

6. The Property is referred to as "*all that farm and buildings known as Pen Pant Farm, Pen Pant, Solva, Pembrokeshire, SA62 6UH*". However, the plan accompanying the UU has not been provided and I have been advised that neither party can provide a copy. Notwithstanding this, the farm holding is described to be approximately 10.3ha along with Pen Pant Farmhouse and Penty Canol (the renovated building subject to the UU). Based on the information provided and observed on my site visit, the planning permission was implemented, and the obligation is in effect.
7. Section 106A of the Town and Country Planning Act 1990 (as amended) provides that on an application for discharge, the determination may be that the obligation shall continue to have effect without modification; or if the obligation no longer serves a useful purpose, that it shall be discharged. Circular 13/97 'Planning Obligations' sets out guidance in this regard.
8. The National Park Authority ('the Authority') contends that the obligation is necessary as the property is located in the open countryside and was granted as an exception to the strict rules governing development in the countryside. It also notes that insufficient evidence has been provided to support a lack of need.
9. The policy position at local and national level seeks to control new development in the countryside. Planning Policy Wales Edition 12 (PPW) specifically refers to rural enterprise dwellings being one of the few circumstances in which isolated new residential development in the open countryside may be justified. Within the Pembrokeshire Coast National Park Local Development Plan 2 (LDP2), Policy 7 notes development must be strictly controlled in the countryside, with a rural enterprise dwelling listed as one of the acceptable forms of development in principle.
10. Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) contains further guidance in relation to second dwellings on established farms and refers to encouraging younger people to manage farm businesses and promote the diversification of established farms.
11. The original permission also contained a condition relating to the occupancy of the dwelling (Penty Canol) for a rural enterprise worker, their dependant or for affordable housing as per the second requirement of the UU (part b). As such, the second obligation merely repeats the requirements of condition 2 of the planning permission.

12. Most recent guidance on the matter is contained in PPW which, in line with Circular 13/97, refers to the imposition of a condition, rather than a planning obligation, being necessary to restrict the occupancy of the property to ensure that rural enterprise dwellings are retained for their intended purpose. Despite this the Authority refers to the additional legal controls provided by the UU in relation to occupancy of the dwelling being reasonable given the exceptional nature of the original application. Whilst there are different consequences arising from enforcement action taken against planning conditions and planning obligations, given the advice in Circular 13/97 and PPW, I am not satisfied that makes part b of the planning obligation necessary in this case.
13. No evidence has been submitted to demonstrate a lack of need for rural enterprise worker dwellings in the locality. However, the dwelling would remain a rural enterprise dwelling available for occupation by a worker on a rural enterprise, including any resident dependants or if there are no such occupiers, for affordable housing. This would continue to be secured via condition 2 of the planning permission which would remain in place to secure this without the planning obligation.
14. The first obligation (part a) seeks to ensure that the dwelling remains in the same ownership as the agricultural holding which first justified the grant of planning permission. In this case, the original purpose of the obligation was to enable the creation of a second dwelling on the agricultural holding for the original applicant's daughter to live independently on the holding alongside assuming responsibility for the management of it. Whilst the parents remained living in the existing farmhouse in order to be on hand to provide assistance and experience. This was a useful purpose of the obligation which enabled the transfer of the running of the farm to the daughter.
15. It is now necessary to consider whether the purpose remains useful or if retention of the obligation fulfils a different planning purpose and should not be based on personal circumstances.
16. TAN 6 refers to any new second dwelling on a farm being tied to the holding by way of a legal agreement to prevent it being sold separately without further application to the authority. However, it also advises it should not be necessary to tie the occupation of the dwelling to workers engaged in one specific rural enterprise even though the needs of that enterprise justified the provision of the dwelling. This recognises that an occupancy condition will ensure that a dwelling is kept available to meet the needs of other rural enterprises in the locality if it is no longer needed by the original business, thus avoiding a proliferation of dwellings in the open countryside, or alternatively to make provision to meet local need for affordable housing. Similarly, Welsh Government Circular 016/2014 The Use of Conditions for Development Management refers to the importance of the dwelling being kept available to meet the needs of other rural enterprises in the locality.
17. Although limited evidence has been presented regarding the management arrangements for the business, the appellant's submission refers to the Covid pandemic having had a significant impact on the business resulting in it operating at a smaller scale. It confirms Ms Malein and her partner manage the farm between them and now reside in the main farmhouse with limited input from Mrs Malein (who now resides in Penty Canol, the second dwelling), demonstrating no functional need for a second dwelling at the farm. Reference is made by the Authority to the dwelling continuing to be retained in conjunction with the wider holding which would increase the likelihood of the holding being viable in the longer term. However, no evidence has been presented to substantiate this. Furthermore, if the dwelling is no longer required as a second dwelling in connection with Pen Pant Farm, the first obligation may result in it remaining vacant. This would conflict with the advice contained within TAN 6 as the obligation could unreasonably limit the occupancy of the dwellinghouse and the separate use of the land

to meet the needs of other rural enterprises in the locality. Moreover, in inhibiting the use of the dwelling to meet affordable housing need the obligation could also frustrate the aim of Technical Advice Note 2: Planning and Affordable Housing to meet rural affordable housing needs.

18. Given the presence of other farms in the vicinity of the site and the Authority's reference to there being a demand for affordable housing, this reinforces my concerns that the obligation is unreasonably restrictive and would prohibit the legitimate sale of the dwelling to meet the needs of other rural enterprises in the locality or to meet local affordable housing need. Therefore, the first obligation does not serve a useful planning purpose.
19. Given the second obligation (part b) repeats the requirements of condition 2 attached to the planning permission to secure occupation by a rural enterprise worker or for affordable housing and I have found that the first obligation (part a) is not reasonable or necessary, the obligation conflicts with the advice in Circular 13/97 and the CIL Regulations and no longer serves a useful planning purpose.

Conclusion

20. For the reasons given above, and having regard to all other matters, I conclude that the appeal should be allowed. The planning obligation, dated 3 May 2013, made between Pembrokeshire Coast National Park Authority and Andrew Patrick Malein and Marlis Malein does not serve a useful purpose and should be discharged.
21. 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.

Zoe Baxter

INSPECTOR



Appeal Decision

by Zoe Baxter BSc, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 29/01/2025

Appeal reference: CAS-03561-G3F9L4

Site address: Tretio Caravan & Camping Park, U3002 To Tretio, Tretio, St Davids, Pembrokeshire, SA62 6DE

- 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 Bryn & Phil Rees against the decision of Pembrokeshire Coast National Park Authority.
 - The application Ref NP/23/0246/FUL, dated 11 May 2023, was refused by notice dated 31 January 2024.
 - The development proposed is change of use of pitch and putt area and expansion with 10 self-contained bespoke mobile lodges/caravans and car parking together with ecological enhancements.
 - A site visit was made on 9 January 2025.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the rural character and appearance of the surrounding area;
 - whether the development would result in the loss of best and most versatile (BMV) agricultural land; and
 - whether the proposal would be accessed by sustainable transport modes.

Reasons

3. The appeal site comprises a field presently in use as a pitch and putt golf course as part of Tretio Caravan and Camping Park. The site is located within the open countryside as per the Adopted Pembrokeshire Coast National Park Local Development Plan 2 (LDP2), which includes policies in support of expansion of tourism facilities in the countryside subject to certain criteria. A public footpath runs adjacent to the site to the southeast and an unclassified road from Tretio runs along the northwestern boundary.

Character and appearance

4. The site is positioned between the existing caravan and camping park and the cluster of dwellings at Tretio with the surrounding area characterised by undulating attractive open fields with low lying hedgerows. The scenic quality of the surrounding landscape is

reflected in its inclusion within Landscape Character Area (LCA) 15 Dowrog and Tretio Commons Landscape Area identified in the National Park Authority's Landscape Character Supplementary Planning Guidance (SPG). The largely open nature of the area results in views available across the landscape.

5. Policy 8 of LDP2 requires the special qualities of the Pembrokeshire Coast National Park (PCNP) to be conserved and enhanced, with a number of priorities identified including protecting, and where possible enhancing, the sense of remoteness and tranquillity and the pattern and diversity of the landscape. Policy 14 relates to conservation and enhancement of the PCNP and states development would not be permitted where it would have an unacceptable adverse effect on the qualities and special landscape by causing visual intrusion or failing to harmonise with, or enhance the landform and landscape character, amongst other matters.
6. Policy 41 of LDP2 specifically relates to Caravan, Camping and Chalet development and refers to extensions to existing sites being considered where the extension is well-screened. It requires, amongst other things, units to be sited so that they can be readily assimilated into the landscape without causing an unacceptable adverse effect on the National Park landscape. Similarly, the Caravan, Camping and Chalet SPG, which provides guidance to support the application of policy 41, notes that in LCA 15 (in which the site is situated) there may be limited capacity for extension of existing sites provided they are contained within mature hedges/trees or for small seasonal sites.
7. The Proposed Site Plan refers to an indicative position of 5 of the Vendee style units along the northeastern boundary, 4 of the Edmunton units on the southwestern boundary and 1 Edmunton unit to the south. A vehicular access track would be provided in a circular orientation across the field to access each unit with a wildflower meadow proposed for the central area.
8. Whilst the proposed lodges may meet the definition of a caravan and would be of a contemporary design and modest height, their notable size and domestic style would be more akin to buildings than caravans/lodges and would introduce built form across the site. The proposed siting would spread the visual impact of the development and the activities associated with it over the entirety of the site.
9. Screening is proposed as part of the development in the form of an earth hedge bank with native species between units along with new tree planting of native species proposed along the northwestern boundary. Notwithstanding the tract of woodland to the south of the site, the boundaries of nearby fields predominantly have low lying hedgerows and are not enclosed on all sides by tall vegetation. As such, the introduction of numerous hedge banks within the site and additional trees enclosing it would be at odds with the largely open nature of the surrounding fields. Although not in leaf during my site visit, I observed trees lining the southeast and southwest boundaries which would provide an element of screening during the summer months from the south of the site, including the public footpath which runs adjacent to the site. However, the proposed caravans/lodges would be sited throughout the year resulting in direct views being possible from the adjacent footpath during the autumn/winter months. From such viewpoints, and from the adjacent road, the poor assimilation of the additional built form into a visually sensitive landscape would be evident.
10. Given the dispersed layout and low density of the proposed development it would be less prominent than the existing caravan and camping site. However, the proposal would not be viewed in isolation and would instead be perceived as an extension to the existing caravan site with the cumulative impact resulting in visual harm to the open nature of the surrounding landscape. Furthermore, I observed during my site visit the contribution that the appeal site makes to the setting of Tretio which is predominantly surrounded by open

fields. I accept that the site is in active use as a pitch and putt golf course, an ancillary facility to the caravan park. However, it retains an open nature and is assimilated into the landscape whereas the proposal would extend the built form of the caravan park in close proximity to the village to the detriment of its isolated setting, causing harm to the sense of remoteness and tranquillity of the area. The caravan park and the proposed extension would appear larger than the village of Tretio which would fail to preserve the rural character and appearance of the area.

11. From some viewpoints on the footpath to the southwest of the site the proposed development would not be prominent. However, this would not outweigh the harm arising from the clear views available of the proposal from the road adjacent to the site and from the footpath to the southeast during autumn and winter when the density of the trees/hedgerow would be limited. A planning condition that would introduce further screening which would enclose the site would itself harm the generally open character of its surroundings, therefore I am not satisfied that conditions could acceptably mitigate the identified harm.
12. I conclude that the proposal would be harmful to the rural character and appearance of the surrounding area and the LCA and would fail to conserve and enhance the special qualities of the National Park, contrary to Policies 8, 14 and 41 of the LDP2 and the Caravan, Camping and Chalet SPG.

Best and most versatile agricultural land

13. The appeal site is classified as being Grade 3a, based on the Predictive Agricultural Land Classification Map for Wales. Although this is a predictive classification, it remains the best available information. Planning Policy Wales Edition 12 (PPW) states that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system is the best and most versatile and should be conserved as a finite resource for the future. It continues to advise that land in grades 1, 2 and 3a should only be developed if, amongst other things, there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable.
14. Whilst the site has been in use as a pitch and putt golf course for some 30 years, I do not consider it to comprise previously developed land given the exceptions set out in PPW. Technical Advice Note (TAN) 6 Planning for Sustainable Communities notes that once agricultural land is developed, even for 'soft' uses such as golf courses, its return to agriculture as best and most versatile agricultural land is seldom practicable. However, in this case the creation of pin holes, placement of flagpoles and certain areas being mowed differently does not render the land unsuitable for return to agricultural use, particularly given a condition of the original permission requires the land to be returned to agricultural use if the use of the golf course ceases. Whereas the proposed development would result in operational development which would likely render it unsuitable for return to agricultural use. Furthermore, no case for overriding need has been put forward and no information in relation to other available lower grade land has been submitted.
15. Reference is made by the appellant to an appeal decision (ref. CAS-03363-Z0R5T5) which considered the loss of BMV. However, in that case the appeal site was notably smaller, and the amount of agricultural land lost to the extended curtilage was insignificant given the size of the wider agricultural field. As appeals are determined on their individual merits, I afford this example limited weight.
16. Whilst I acknowledge the advice within TAN 6, and accept that dismissing the appeal would not itself result in the land being put to agricultural use, owing to the evidence presented and observed on site, and the condition attached to the existing permission, I

conclude that the proposed development would result in the loss of best and most versatile agricultural land contrary to the advice contained within PPW.

Sustainable travel

17. The proposal involves an extension to an existing and established caravan and camping site which is accessed via a narrow unclassified road with no bus stops in the vicinity of the site. As a result, customers for the proposal would be heavily reliant on private car use to access the site, as is the case with the existing caravan and camping site. Although cycle facilities are proposed as part of the development and the proximity to public footpaths would encourage walking, the need for visitors to travel to the site by car would remain. Given the size of the proposed lodges, each with two bedrooms, guests could arrive in more than one car which would result in a significant number of vehicle trips associated with the proposed development, beyond the 12% increase against the existing caravan park cited by the appellant. Improvements through resurfacing sections of the adjacent highway are proposed to be secured via condition which would benefit residents of Tretio as well as guests to the existing caravan and camping park and the proposal. However, this would not be sufficient to outweigh the increase in private car usage in a countryside location which would be caused by the development.
18. Based on the foregoing, access to the proposed development would be reliant on private car and therefore the proposal would not be well designed in terms of accessibility or accessed by means of sustainable travel, contrary to the provisions of LDP2 Policies 29 and 59.

Other Matters

19. The proposed development would involve environmental measures to enhance biodiversity to the satisfaction of the National Park Authority's Ecologist and Natural Resources Wales. I attach moderate weight to the net benefit to biodiversity which would result from these measures. Similarly, I note the proposal attracted no objection from a number of statutory consultees or St David's City Community Council. In addition, the proposal would provide benefits to tourism, the community and the economy. However, such benefits would not be significant in this case and these matters do not outweigh the harm I have found to the character and appearance of the rural area, loss of BMV and means of sustainable travel.
20. The appellant highlights concern over the advice given in the pre-application enquiry, which initially received a favourable response from the National Park Authority, but as this matter is not relevant to the merits of the appeal it has no bearing on my decision.
21. There is dispute between the appellant and interested parties on whether the site would benefit from the 28-day period for camping/touring use. Although not a matter for this appeal, any such use would be for a short period of time with no physical development occurring on the land, so would not justify the harm associated with the appeal proposal. Farm diversification is also cited by the appellant as a benefit associated with the proposal and reference is made to a cattle/arable farm near Broad Haven. However, given the geographical distance and the absence of evidence to establish the economic link between the proposal and this farm, I afford the argument of farm diversification limited weight.

Conclusion

22. For the reasons set out above, and having regard to all matters raised, the appeal is dismissed.

Ref: CAS-03561-G3F9L4

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 one or more of the Welsh Ministers' well-being objectives.

Zoe Baxter

INSPECTOR