

REPORT OF THE DEVELOPMENT MANAGEMENT TEAM LEADER ON APPEALS

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

<u>NP/19/0530/FUL</u>	Replacement toilet and shower block, incorporating relocation of unpermitted reception building – Meadow Farm, North Cliffe, Tenby
Type	Written Representations
Current Position	The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.
<u>NP/19/0539/FUL</u>	Install rooflights to gallery upstairs, public doorway, partial living space (change of use), rebuild extension where garage used to be – Apple Tree Gallery, The Ridgeway, Saundersfoot
Type	Written Representations
Current Position	The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.
<u>EC/19/0097</u>	Unauthorised raised decking – 3 The Glen, Little Haven
Type	Written Representations
Current Position	The appeal has been dismissed and the enforcement notice is upheld and a copy of the Inspectors decision is attached for your information.

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 21/05/20

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08.06.2020

Appeal Ref: APP/L9503/A/20/3246513

Site address: Meadow Farm, North Cliffe, Tenby, Pembrokeshire, SA70 8AU

Appeal Decision

Site visit made on 21/05/20

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

an Inspector appointed by the Welsh Ministers

Date: 08.06.20

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 & Mrs Richards against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/19/0530/FUL, dated 25 September 2019, was refused by notice dated 24 December 2019.
- The development proposed is replacement toilet and shower block, including reception building.

Decision

1. The appeal is allowed and planning permission granted subject to the conditions set out in the schedule at the end of this decision.

Procedural matter

2. My attention has been drawn to alleged breaches of planning control at the appeal site. The National Park Authority (NPA) state that: *'one of the reasons for refusal is that the authority do not wish to facilitate an upgrade in facilities at the site which would further facilitate this unauthorised expansion and change of accommodation unit type, and also allow the previous reception facilities to be used as holiday let accommodation'*. I have determined this appeal on the basis that the development proposed is as described above and no more. Nothing in this decision binds the NPA to accept or permit any other development that may have been carried out or proposed on the site.

Main Issues

3. The main issues are:
 - the impact of the proposed development on the character and appearance of the National Park
 - the effect of the proposal on the setting of Tenby Conservation Area
 - whether adequate provision has been made for foul drainage

Reasons

Character and appearance/Conservation Area

4. Meadow Farm campsite sits on a hillside in the countryside on the edge of Tenby. At the time of my visit the toilet and shower block was just a shell with no facilities. However, given the construction and state of the building, I see no reason to question the appellants' assertion that the facilities were in need of upgrading and improvement. The appellants propose to re-use the existing block as a refuse store, build a new toilet and shower block incorporating a currently free standing reception building which would be relocated.
5. The reasoned justification to Policy 40 of the Pembrokeshire Coast National Park Local Development Plan, adopted 2010 accepts that *'chalet, caravan and tent sites generally require good quality washing and toilet facilities'*. It goes on to say that: *'Wherever possible such provision should be made by the adaptation or conversion of existing buildings although it is acknowledged that new buildings will be required in some instances'*. In this case, it has been established by the grant of an earlier planning permission that the toilet and shower facilities should be housed in a separate building. I am also persuaded by the appellants' argument that the position of Meadow Farm House in relation to the camp site does not lend itself well as a location for a reception office. The Farm House sits below the camp site and has a separate access. Its location does not provide clear legibility for visitors in terms of where they should go when they arrive at the site to book in. This could be rectified by a sign at the entrance to the campsite but I agree that the parking, turning and manoeuvring required to first check in at the Farm House then drive up to the site would be neither convenient nor safe, particularly for campers arriving with a trailer.
6. The NPA contends that the facilities proposed are excessive in relation to the number of pitches the site is licensed for. However, the NPA misquotes the reasoned justification to Policy 40 which states that¹: *'The provision of catering, leisure or shopping facilities (my emphasis) on a scale that exceeds the reasonable requirements of the occupiers of the site or which relates poorly to the size, character or location of the site will not be encouraged'*. I have seen no guidance or standards relating to what is deemed reasonable in terms of a reception office or essential facilities such as toilets, showers or refuse storage nor any evidence from the NPA to support the assertion that the scale of the proposed facilities are excessive for the size of the site. Indeed, the number of toilet and shower cubicles would be the same as was housed in the existing building and I agree with the appellant's that internal instead of external storage of refuse would be an improvement.
7. In response to the NPA's assertion that *'historically planning permission has not been given for erection of the existing toilet and shower block facilities'*, the appellants have submitted a copy of a planning permission granted in 1990 which shows the position of the existing toilet block. In my view, the NPA's assertion that the principle of carrying out the improvements proposed *'has not been sufficiently justified'* is neither supported by policy or evidence. In the summing up the recommendation that planning permission be refused the NPA's officers conclude that *'the proposed toilet, shower, wash facilities and reception building has been designed to be of a scale, form and appearance which shows sensitivity to the surrounding landscape and context within the open countryside'*. I agree.

¹ Paragraph 4.173

8. The new building and refuse store would be enclosed in a corner of the site and screened to the north, west and south by existing mature planting. A Pembrokeshire hedge bank is proposed to separate the facilities from the rest of the campsite. The building is visible from the coast path but only above a tall hedge and at distance and is viewed nestled into the existing trees and hedges. Views from the Conservation Area would also be distant and softened by the planting which combined with the sympathetic design would, in my view, result in no harm to the setting of the Conservation Area. I conclude, therefore, that the proposed development would not have an adverse impact on the character and appearance of the National Park and that it complies with Policy 40 of the LDP.

Drainage

9. The NPA complains that insufficient information was submitted to show that the drainage provision is sufficient to cater for the proposed development. However, the NPA does not dispute that there would be no increase in the number of toilets and showers and no increase in pitches is proposed under the appeal application. I note that there are no objections from the NPA's Pollution or Flooding and Land Drainage Officers or Dŵr Cymru. Given that there will be no change in the number of facilities or capacity of the camp site I see no reason to doubt that the existing services will not be able to cope and conclude that the proposed development complies with Policy 32 of the LDP.

Conditions

10. I have considered the NPA's suggested conditions in light of the advice in Circular 16/14. Any material change of use of the proposed buildings would require planning permission and a condition restricting use to that permitted is unnecessary. Given that the proposed development would benefit from the existing screening on the site boundaries, I see no need for any new planting over and above the hedge shown on drawing number 9114/07. In light of my conclusions with regard to foul drainage, I see no need to duplicate the controls under the Building Regulations.
11. The NPA is satisfied with the recommendations of the appellant's ecologist with regard to biodiversity enhancement. As this proposal relates to the new facilities only and not the site as a whole, I consider it would be unreasonable to seek wider enhancements or to control external lighting or surface treatments across the camp site. Lighting around the building is necessary for the safety of campers. I do not know whether the NPA's proposed limit of 600 lumens would be adequate in this regard and will impose a condition requiring further details.

Conclusions

12. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.
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 the Welsh Ministers' well-being objective of building better environments.

Anthony Thickett

Inspector

Schedule

APP/L9503/A/20/3246513

The appeal is allowed and planning permission is granted for replacement toilet and shower block, including reception building at Meadow Farm, North Cliffe, Tenby, Pembrokeshire, SA70 8AU in accordance with the terms of the application, Ref NP/19/0530/FUL, dated 25 September 2019 subject to the following conditions:

- 1) The development shall begin no later than five years from the date of this decision.

Reason: As required by Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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

Existing site and location plan (9114/01)

Existing floor plans (9114/02)

Existing elevations (9114/03)

Existing elevations (9114/04),

Proposed site and location plan (9114/06)

Proposed floor plan (9114/07)

Proposed section AA and elevations (9114/08)

Proposed elevations (9114/09),

Drawing 2019-1055 Preliminary Drawing Gilles Biomass Heating

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

- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for the creation of the Pembrokeshire Hedgebank as shown on drawing number 9114/07 and up to the site boundary. The scheme shall also include indications of all existing trees and hedgerows on the appeal site, identify those to be retained and set out measures for their protection throughout the course of development.

Reason: To protect and maintain the special qualities of the landscape in compliance with LDP Policies: 1, 8, 11, 15 and 30.

- 4) All works and planting comprised in the creation of the Pembrokeshire Hedgebank approved under condition 3 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: To protect and maintain the special qualities of the landscape in compliance with LDP Policies: 1, 8, 11, 15 and 30.

- 5) Prior to the development being brought into use two bat boxes of a type approved in writing by the local planning authority shall be affixed to trees in a location approved in writing by the local planning authority. The approved bat boxes will be retained for as long as the development hereby permitted remains

in existence. Should the bat boxes be damaged or otherwise become unusable they shall be replaced with others of the same type unless the local planning authority gives written approval to any variation.

Reasons: In the interests of maintaining the special qualities of the habitats of the National Park in compliance with Policy 11 of the LDP.

- 6) No development shall take place until details of surface water drainage to serve the development hereby permitted have been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by adequate drainage in accordance with LDP Policy 32

- 7) No development shall take place until use details of the external lighting to the building hereby permitted have been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons: In the interests of maintaining the special qualities of the habitats of the National Park in compliance with Policy 11 of the LDP.



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 21/05/20

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27.05.2020

Appeal Decision

Site visit made on 21/05/20

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

an Inspector appointed by the Welsh Ministers

Date: 27.05.2020

Appeal Ref: APP/L9503/A/20/3244731

Site address: Appel Tree Gallery, The Ridgeway, Saundersfoot, Pembrokeshire, SA69 9JE

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 the failure to determine an application for planning permission.
 - The appeal is made by Mr & Mrs Mannings against Pembrokeshire Coast National Park Authority.
 - The application Ref NP/19/0539/FUL was dated 6 January 2020.
 - The development proposed is extension and partial change of use, new doorway and skylights for Gallery. Improved parking for Penydre (the extension is where the garage was).
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Decision

1. The appeal is dismissed.

Procedural matters

2. Following the submission of the appeal the appellants requested that an amended scheme be considered. The only circumstances in which an amendment may be accepted once an appeal has been made are to correct drawing or drafting errors which do not affect the substance of the application or where it is necessary to ensure consistency in the information contained in the application and the accompanying documents.
3. I note the parties' positions set out in the statement of common ground and have taken into account the appellants' contention that they were only made aware of the Conservation Officer's comments after the appeal was made. Nevertheless, I consider that the changes to the proposed development are such that it would be significantly different to that proposed in the original application. I have considered the appeal on the basis of the original scheme.
4. The appellants' allegations regarding the conduct of the National Park Authority (NPA) and others is not a matter for me. My decision is focused on and only considers the planning merits of this case.

Main Issues

5. The main issues are:

- whether the proposed development would preserve or enhance the character or appearance of the Saundersfoot Conservation Area
- the impact of the proposed development on the setting of Penydre, a Grade II listed building.

Reasons

6. The appeal application site includes Apple Tree Gallery and Penydre. Apple Tree Gallery was originally the stable block for Penydre before being used as a doctors' surgery and latterly by the appellants for art classes. The extension and alterations are in part to facilitate the conversion of the building to part art gallery, part residential use.
7. The Gallery is a plain, rectangular building constructed of stone with a slate roof. The plans supporting the appeal application are rudimentary and provide little detail over and above the location of the proposed new openings to the Gallery and the shape of the proposed extension. The building is around 11m long with a substantial roof. The appellants have submitted details of the type of roof lights they would install. I consider that, done sympathetically, the insertion of 4 roof lights to the east elevation and 3 to the west elevation would not spoil the simple lines and plain form of the roof. The new door proposed in the west elevation has been installed and provided similar care is taken with the works to install the window to the west elevation, I am satisfied that the alterations to the Gallery could be implemented sympathetically and without harm to the building or Conservation Area.
8. In addition to the alterations and extensions to the Gallery the appellants propose to demolish and rebuild part of the garden wall to Penydre to enlarge the parking area to the side of the Gallery. The wall is listed by virtue of its connection to Penydre. Subject to the use of suitable materials the NPA has no objection to these works (I am aware that an application for listed building consent has been submitted). However, with the exception of a line on the site plan there are no drawings of the replacement wall and the plan showing the existing wall is inaccurate. The curve in the wall as it turns in from The Ridgeway is shown but not the dog leg, nor is the garden gate giving access to Penydre or the large inserted section to the side of the gate. The gateway is topped by a brick arch and is an attractive feature. Given it is proposed that the residential occupation of the Gallery be linked to Penydre one might expect there would be a desire to include a gate in the wall but none is shown.
9. Turning to the extension the appellants propose to construct it of *'Canadian Cedar together with a roof made of Eurocladding'* which in their view *'would be appropriate 'light industrial' materials such that you see in well designed 'garden offices'*. Without further details I am sceptical about the use of 'light industrial' materials on the shared boundary with Penydre. Further, the submitted plans do not show how the extension would link to the new wall. Insufficient detail has been submitted to enable me to properly assess the impact of the part demolition of the wall or its proposed replacement on the Conservation Area or the listed building and its setting. Nor, given the rudimentary drawings that support the appeal application is it possible to properly consider the impact of the proposed extension and garden shed/toilet on the Conservation Area and the setting of the listed building. In light of the duty imposed

on me under Sections 66(1) and 72(1) of the Listed Building and Conservation Areas Act, I do not consider that these matters can be left to a condition.

10. In the absence of this information I cannot determine that these works would preserve or enhance the character or appearance of Saundersfoot Conservation Area or the setting of Penydre.

Other matters

11. Were the proposed residential use of the Gallery to be separate from Penydre, Policy 45 (b) of the Pembrokeshire Coast National Park Authority Local Development Plan would require a contribution to the provision of affordable housing. The NPA and appellant have agreed that a contribution would not be required if a condition were imposed limiting the residential occupation of the Gallery to ancillary to Penydre. Given that the internal accommodation would be limited and it has no external amenity space, the Gallery would be unlikely to provide satisfactory living conditions were it occupied as a separate dwelling. As an ancillary building to Penydre its occupiers can enjoy Penydre's garden and the proposal also re-establishes the historic link between Penydre and its former stable block.

Conclusions

12. Sections 66(1) and 72(1) of the Listed Building and Conservation Areas Act places a duty on me to preserve the special architectural and historic interest of heritage assets. It would appear that the NPA is satisfied with the quality of the submitted drawings. I am not bound to accept the position of the NPA. Notwithstanding my findings with regard to the proposed new fenestration to the Gallery or the proposed change of use, the lack of details relating to the demolition and replacement of the wall and the extension leaves me unable to conclude that the proposed development would not harm the setting of Penydre or preserve or enhance the character or appearance of the Conservation Area.
13. I have considered the possibility of issuing a split decision but given that the alterations to the Gallery are inextricably linked to the proposed conversion to a mixed use, I do not consider the different elements of proposed development to be severable. I must, therefore, dismiss this appeal.
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 building better environments.

Anthony Thickett

Inspector



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 21/05/20

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 25.06.2020

Appeal Decision

Site visit made on 21/05/20

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

an Inspector appointed by the Welsh Ministers

Date: 25.06.2020

Appeal Ref: APP/L9503/C/20/3245039

Site address: 3 The Glen, Little Haven, Pembrokeshire, SA62 3UR

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 Colin Brame against an enforcement notice issued by Pembrokeshire Coast National Park Authority.
 - The enforcement notice, numbered EC19/0097, was issued on 19 December 2019.
 - The breach of planning control as alleged in the notice is the erection of a raised deck platform in the approximate position shown cross-hatched in blue on the Plan ("the Unauthorised Development").
 - The requirements of the notice are (i) to dismantle and permanently remove from the land the unauthorised development and (ii) permanently remove from the land all building materials arising from compliance with (i) above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)[a & f] of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) / deemed planning application

2. The main issues are:
 - the effect of the development on the living conditions of neighbouring residents with regard to privacy and visual impact.
 - the impact of the development on the character and appearance of the area.

Reasons

Living conditions

3. The appellant's property is a semi-detached bungalow which sits on a steeply sloping bank. Immediately adjoining to the front and directly below is a residential property
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known as The Boat House. That house is partly built into the slope. Its rear wall is about 1.5m from the shared boundary and the eaves of its roof are just below the surface of the appellant's decking.

4. There is a terrace to the front of the appellant's bungalow enclosed by a wall. The decking sits below the terrace and is accessed by steps. It is enclosed by a ranch style fence of about 1.2m. The Boat House has a small patio to the side of the house. I acknowledge that the decking screens views of the patio from the appellant's terrace. However, standing on the decking one can look directly down on to the patio at very close quarters. This is seriously detrimental to the privacy of the occupiers of The Boat House and this harm outweighs any benefit accruing from the decking obscuring views of the patio from the terrace.
5. From the decking one can also look directly down on a rooflight in the roof of The Boat House facing the decking. The rooflight is obscure glazed and fixed. Nonetheless it is likely that anyone in the room served by the rooflight would discern shadows and movement on the decking which is likely to give a sense of intrusion even if it is not possible to see through the window. On its own this matter would not be sufficient to justify withholding planning permission but it adds weight to my concerns regarding the effect of the decking on the sense of privacy enjoyed by the occupiers of The Boat House.
6. The appellant does not dispute the National Park Authority's estimate that the overall height of the structure is around 3.8m above the ground floor level of The Boat House. Due to its height and proximity to the patio serving The Boat House, I consider that the decking is unduly overbearing and has an unacceptable visual impact on the occupiers of that property.
7. The appellant argues that as The Boat House is a second home and was only occupied for 25 days last year it is not in residential use. According to the National Park Authority planning permission was granted for the conversion of a boat shed to a dwelling in 1987. In terms of its lawful use in planning terms it does not matter that The Boat House is currently a second home, it is a dwelling as defined by the Town and Country Planning (Use Classes) Order 1987 and could be occupied permanently at any time.
8. I conclude that the decking has an adverse impact on the living conditions of the occupiers of The Boat House and that its retention would conflict with Policy 30 of the Pembrokeshire Coast National Park Local Development Plan, adopted 2010 (LDP).

Character and appearance

9. There is wide variety in the built form in Little Haven and like many historic coastal villages the random and seeming unplanned nature of buildings and spaces is part of its charm. The decking is well made and such is the variety in built form in this part of Little Haven, I do not consider that it has a detrimental impact on the character and appearance of the area. I conclude, therefore, that the retention of the decking would not conflict with Policy 15 of the LDP.

Other matters

10. I have taken into account that the small terrace is the only outdoor amenity space available to the appellant other than the decking. I also acknowledge that due to the slope and being hemmed in by The Boat House and the retaining wall to the terrace, the land on which the decking is constructed would not provide an attractive space. However, neither these matters nor my findings on the impact of the decking on the

character and appearance of the area outweigh the serious harm I have identified to the living conditions of the occupiers of The Boat House. The appeal under ground (a) fails.

The ground (f) appeal

11. Although the appellant contends that the requirement to dismantle the decking is excessive, he has not suggested any lesser steps that would remedy the harm I have identified. Fitting screens around the decking to prevent overlooking would exacerbate the adverse visual impact of the structure on the occupiers of The Boat House.
12. In my view, the requirements of the enforcement notice are entirely appropriate to achieve the objective of protecting the living conditions of neighbours. They are therefore necessary to remedy the breach. I do not consider that any lesser steps would mitigate the adverse impact of the decking on the living conditions of the occupiers of The Boat House and the appeal under ground (f) fails.

Conclusions

13. For the reasons given above and having regard to all matters raised, the appeal is unsuccessful on grounds (a) and (f) and the enforcement notice is upheld. I refuse to grant planning permission on the deemed application.
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 building better environments.

Anthony Thickett

Inspector