

## 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:-

<b><u>EC21/0081</u></b>	Unauthorised signage – Land to south of Blockett Farm, Blockett Lane, Little Haven, Haverfordwest, Pembrokeshire SA62 3UH
<b>Type</b>	Written Reps
<b>Current Position</b>	The initial documentation has been forwarded to Pedw
 <b><u>EC21/0145</u></b>	 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
<b>Type</b>	Written Reps
<b>Current Position</b>	The initial documentation has been forwarded to PEDW
 <b><u>EC22/0038</u></b>	 Siting of Camping Pod and associated drainage work - Land to the north of Pentop, Abercastle, Haverfordwest, Pembrokeshire, SA62 5HJ
<b>Type</b>	Written Reps
<b>Current Position</b>	The appeal has dismissed on ground (d) and allowed on ground (a) and a copy of the Inspectors decision is attached for your information
 <b><u>EC22/0088</u></b>	 Unauthorised siting of polytunnel - Land at Llwyndrain Forest, Pentregalar, Crymych, Pembrokeshire, SA66 7SB
<b>Type</b>	Written Reps
<b>Current Position</b>	The initial documentation has been forwarded to PEDW
 <b><u>EC23/0124</u></b>	 Siting of touring caravan on land for residential use - Penygraig Uchaf, Cippyn, St. Dogmaels, Pembrokeshire, SA43 3LZ
<b>Type</b>	Written Reps
<b>Current Position</b>	The initial documentation has been forwarded to PEDW
 <b><u>NP/25/0066/FUL</u></b>	 Existing shed replaced with summerhouse for holiday let accommodation - 19a, Wesley Road, Little Haven, Haverfordwest, Pembrokeshire, SA62 3UJ
<b>Type</b>	Written Reps
<b>Current Position</b>	The initial documentation has been sent to PEDW

<b><u>NP/25/0271/FUL</u></b>	Erection of wooden fence along part of the back garden of property (retrospective) - 34, Maes Y Cnwce, Newport, Pembrokeshire, SA42 0RS
<b>Type</b>	Written Reps
<b>Current Position</b>	The initial documentation is being prepared to be forwarded to PEDW
<b><u>NP/24/0602/FUL</u></b>	Below ground extension to an ancillary building at Sleekstone House and associated landscaping - Sleekstone, Haroldston Hill, Broad Haven, Haverfordwest, Pembrokeshire, SA62 3JP
<b>Type</b>	Written Reps
<b>Current Position</b>	The initial documentation is being prepared to be forwarded to PEDW

## Appeal Decision

By **A L McCooey BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Decision date: 28.11.2025

Appeal reference: CAS-04264-X7B3V2

Site address: Land north of Pentop, Abercastle, Haverfordwest, Pembrokeshire SA62 5HJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) by Mr Gerald Williams against an enforcement notice issued by Pembrokeshire Coast National Park Authority.
- The enforcement notice, numbered EC22/0038(A), was issued on 16 April 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the carrying out of building and/or engineering operations comprising the removal of a section of hedgebank, the construction of a retaining wall and access steps, and the laying of a hardstanding.
- The requirements of the notice are:
  - i) Take up and permanently remove from the land the surfaced hardstanding and all materials arising and reinstate the land to its former condition before the breach took place.
  - ii) Take down and permanently remove from the land the retaining wall and access steps as constructed, and all materials arising and reinstate the land to its former condition before the breach took place (see attached photograph labelled "Appendix 1" showing the condition and appearance of part of the land before the unauthorised development took place).
  - iii) Reinstate the boundary hedgebank along the northwest corner of the land in line with the attached drawing (Drawing Number 1407/011) labelled as "Appendix 2". Planting of the hedgebank to be carried out in accordance with Pembrokeshire Coast National Park Authority guidance as attached and labelled as "Appendix 3".
- The period for compliance with the requirements is: 6 months beginning with the day on which this Notice takes effect.
- The appeal is proceeding on grounds (a) and (d) as set out in section 174(2) of the Town and Country Planning Act 1990 as amended [the 1990 Act].
- A site visit was made by the Inspector on 19 November 2025.

### Decision

1. The appeal on ground (d) is dismissed.
2. The appeal on ground (a) is allowed insofar as it relates to the laying of a hardstanding on the land hatched in blue, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the laying of a hardstanding on the land hatched in blue north of Pentop, Abercastle, Haverfordwest, Pembrokeshire SA62 5HJ and subject to the following conditions:

- 1) Within three months of the date of this decision a landscaping scheme shall be submitted in writing to the local planning authority. The scheme shall include details of all plants and planting methods; provide for the retention of native species hedging and include a timetable for its implementation. On approval by the Local Planning Authority the landscaping and planting shall be carried out in accordance with the approved scheme. The hedges and planting shall be retained for as long as the development hereby permitted remains in existence. Any trees or plants which within a period of 5 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of protecting the visual amenity and special qualities of the area. In accordance with Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park), 30 (Amenity), SPG 12 – Biodiversity, Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009), Future Wales Policy 9 and to comply with the Environment (Wales) Act 2016.

- 2) Prior to the erection of any external lighting, a light mitigation strategy, including measures to reduce light spillage, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected, and to protect and enhance the character and appearance of the site and its setting within the Pembrokeshire Coast National Park. In accordance with Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 9 (Light Pollution), 12 (Local Areas of Nature Conservation or Sites of Geological Interest) and 14 (Conservation of the Pembrokeshire Coast National Park).

3. The appeal on ground (a) is dismissed and the enforcement notice is upheld insofar as it relates to the carrying out of building and/or engineering operations comprising the removal of a section of hedgebank and the construction of a retaining wall and access steps and planning permission is refused in respect of the carrying out of building and/or engineering operations comprising the removal of a section of hedgebank and the construction of a retaining wall and access steps at Land north of Pentop, Abercastle, Haverfordwest, Pembrokeshire SA62 5HJ on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

## **Background and Procedural Matters**

4. The site is part of a field within the open countryside. The retaining wall and steps are located on a narrow lane serving several properties that is also a public right of way. The majority of the site is at a higher level and contains a wooden camping pod. There is a track running along the field from the rear of Pentop to the pod site. Part of this track and the surfaced area around the pod is the hardstanding referred to in the enforcement notice (EN).

5. An EN was issued prior to the appeal notice alleging a change of use as a result of the siting of the pod and the operational development subject of this EN. The appellant then produced evidence that a caravan site certificate had been granted by an exempted organisation for the camping pod. The certificate lasted for 12 months period until June 2025. The National Park Authority (NPA) was not notified by the exempted organisation of the application for, or the granting of, this certificate. As a result of this information the first EN was withdrawn and the current EN was served, which omits any reference to the pod as part of the breach of planning control because it benefited from permitted development rights. The evidence (as of 25 August) was that an application had been made for a certificate, but it had not been renewed due to administrative delays.

**The appeal on ground (d) – at the date when the EN was issued, no enforcement action could be taken in respect of any breach of planning control.**

6. The appellant's case on this ground is that the track and hardstanding has been present for some years. In order for this ground to succeed the appellant must demonstrate that the portion of track and hardstanding within the area identified in the EN was completed 4 years before the EN was issued i.e. by 15 April 2021. The onus is on the appellant to establish this ground of appeal and the test is on the balance of probabilities. I have considered the aerial photographs from 2020 and 2023 submitted by the appellant and NPA. The difference in the extent and nature of the surfacing works between 2020 and 2023 can readily be seen. The 2020 photograph shows that the track was still green with a sparse surfacing in the corner of the field. It does not show that the EN works were completed. There is no evidence of what works were in place in 2021. The area that the appellant states was surfaced with spoil in 1988 and later is not identified. The 2017 aerial photograph (from the NPA) shows a grassed track and the hedgebank in the EN land. In this evidential context, the appellant has not demonstrated that the hardstanding within the area identified in the EN was completed 4 years before the EN was issued and the appeal on ground (d) must fail.

**The appeal on ground (a) – that planning permission should be granted for the matters alleged in the notice.**

7. In National Parks great weight must be given to their statutory purposes to conserve and enhance their natural beauty, wildlife and cultural heritage and to promote opportunities for public understanding and enjoyment of their special qualities. Regard must be had to the economic well-being of local communities. Where there is conflict between these duties, greater weight shall be given to conserving and enhancing natural beauty, wildlife and cultural heritage. Pembrokeshire Coast National Park Local Development Plan 2 (LDP2) Policy 8 seeks to conserve and enhance the special qualities of the National Park. It refers to avoiding poor design and to protection of the pattern and diversity of the landscape. Policy 14 builds on this and states that "Development will not be permitted where this would have an unacceptable adverse effect on the qualities and special landscape and seascape character of the National Park including locally distinctive characteristics by: a) causing visual intrusion and/or c) failing to harmonise with, or enhance the landform, and/or d) losing or failing to incorporate important traditional features". Policy 30 also refers to avoiding adverse impacts on amenity and resisting visually intrusive development that would have a detrimental impact on the quality of the environment.

*The retaining wall and steps*

8. The development has resulted in the loss of a hedgebank and vegetation and its replacement with a retaining wall and steps in the corner of a field. Hedgebanks are a traditional feature of the National Park. The works have disturbed a traditional field

boundary. The design has an urban appearance at odds with this countryside location in a National Park. The development is incongruous and out of character with the surrounding area. It is detrimental to the character and appearance of this part of the National Park. The development is highly visible from the lane, which is a public right of way and road serving several dwellings. I acknowledge that views of the development (camping pod excepted) are limited from further afield but it can be seen from some points. The additional planting and amendments to the design of the fence and the point that the walls may weather in time are noted. However, the discordant nature of the development would not lessen significantly as a result.

9. There may have been an access at some time in the past. However, this feature is not present in the 2017 aerial photograph and is not shown on the appellant's existing layout plans submitted with an application to regularise the development. The photograph provided by the appellant of the site after a landslip in 2021 shows vegetation and walls typical of a traditional Pembrokeshire hedgebank composition. There may be evidence of a small path up the bank. However, even if a small entrance did exist in the past the appeal development is of a considerably larger and more obtrusive scale. The existing 5 bar gates and other entrances nearby are not comparable to the appeal development.
10. The appellant argues that the works are necessary for the operation of the camping pod and represent a significant long-term investment in the business. The certification as a camping site is for a temporary period of one year. Albeit that there is the possibility for further certificates to be granted for 12 months. The permitted development rights do not include any rights for operational development, which must be assessed on their own merits. This claimed need does not justify or outweigh the harm identified above.
11. The retaining walls and steps have an unacceptable adverse effect on the qualities and special landscape character of the National Park. This development causes visual intrusion, has a detrimental impact on the quality of the environment, does not harmonise with, or enhance the landform, and results in the loss of important traditional features. Overall, the matters raised by the appellant do not outweigh the harm caused to the character and appearance of the countryside. For the reasons given, I conclude this part of the development is contrary to Policies 1, 8, 14 and 30 of the LDP2.

#### *The hardstanding*

12. The EN does not include the track around the dwelling or immediately to the north. The track within the EN site was an existing one (albeit unsurfaced) which has been upgraded. The track was for access to the field and land beyond. It now provides an access to the campsite that is considerably less obtrusive than the steps and retaining walls in the corner of the field. There is a hedge along the western and northern field boundaries. When the hedgebank is reinstated as per requirements (ii) and (iii) then the open corner of the field would be screened. The hardstanding and track would not be visible from the public realm due to the surrounding vegetation and additional planting that is and can be required. The NPA has not provided evidence as to the adverse effects of the hardstanding or how it is detrimental to rural character and appearance of this part of the National Park. I conclude that this element of the development would be acceptable subject to the imposition of conditions requiring submission and implementation of a landscaping scheme and a light mitigation strategy.

#### *Other matters*

13. I do not consider that the requirements of the EN are contradictory given my conclusions above on the evidence of the nature of the hedgebank prior to the development taking place.

## Conclusions

14. For the above reasons and having regard to all other matters raised, I conclude that the appeal on ground (a) fails in respect of the retaining walls and steps but succeeds in relation to the hardstanding. The requirements of the EN relating to the acceptable part of the development will not be deleted, so as to avoid any grant of unconditional planning permission being made through s173(11) of the 1990 Act. Section 180 of the 1990 Act provides that: "where after the service of an EN planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission". The effect of this provision is that the EN ceases to have effect on the hardstanding development that has been granted planning permission in this decision.
15. For the reasons given above, the evidence does not demonstrate that the hardstanding was completed 4 years before the EN was issued and therefore the appeal on ground (d) must fail.
16. 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.

*A L McCooey*

**INSPECTOR**