

## REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT ON APPEALS

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

|                         |   |
|-------------------------|---|
| <b>NP/12/0426</b>       | Erection of wind turbine – Brawdy Farm, Brawdy, Haverfordwest   |
| <b>Type</b>             | Written Representations   |
| <b>Current Position</b> | The initial paperwork has been forwarded to the Inspector.  |
| <b>NP/13/0219</b>       | Erection of detached two bedroom dwelling house, infill plot adjacent to Greenhill, Portclew Road, Freshwater East  |
| <b>Type</b>             | Hearing   |
| <b>Current Position</b> | The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.   |
| <b>NP/13/0260</b>       | Certificate of Lawfulness for touring and camping field for up to 35 touring caravans or tents at any one time on a seasonal basis for holiday purposes only from 1st March up to 28th September in any one year- Buttyland Caravan Park, Station Road, Manorbier |
| <b>Type</b>             | Public Inquiry  |
| <b>Current Position</b> | The initial paperwork has been forwarded to the Inspector.  |
| <b>NP/13/0267</b>       | Demolition of existing dwelling and erection of two-storey dwelling with integral garages and associated landscaping, parking and boat storage areas- The Elms, Llanrhian   |
| <b>Type</b>             | Hearing   |
| <b>Current Position</b> | The initial paperwork has been forwarded to the Inspector.  |
| <b>NP/13/0406</b>       | Sub-division to create two separate dwellings- Sunnydene, Valley Road, Saundersfoot   |
| <b>Type</b>             | Hearing   |
| <b>Current Position</b> | The initial paperwork has been forwarded to the Inspector.  |
| <b>NP/13/0216</b>       | Installation of 1 x 15kw wind turbine – Trelessy Farm, Amroth   |
| <b>Type</b>             | Hearing   |
| <b>Current Position</b> | A hearing has been arranged for 5 <sup>th</sup> March 2014.   |

**NP/13/0071** Change of use of Fort to Visitor Centre – St Catherines Island,  
Tenby  
**Type** Hearing  
**Current Position** A hearing has been arranged for 26<sup>th</sup> February 2014.

**EC12/0144** Change of use of land to mixed agricultural and residential – Good  
Acre, Broad Haven  
**Type** Hearing  
**Current Position** The initial paperwork has been forwarded to the Inspector and a  
hearing was held on 8<sup>th</sup> January 2014.

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## **Penderfyniad ar yr Apêl**

Gwrandawriad a gynhaliwyd ar 11/12/13

Ymweliad â safle a wnaed ar 11/12/13

**gan Clive Nield BSc(Hon) CEng MICE  
MCIWEM C.WEM**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 23 Rhagfyr 2013**

## **Appeal Decision**

Hearing held on 11/12/13

Site visit made on 11/12/13

**by Clive Nield BSc(Hon) CEng MICE  
MCIWEM C.WEM**

**an Inspector appointed by the Welsh Ministers**

**Date: 23 December 2013**

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**Appeal Ref: APP/L9503/A/13/2203054**

**Site address: Infill plot adjacent to Greenhill, Portclew Road, Freshwater East,  
Pembroke, Pembrokeshire, SA71 5LA**

**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 Mrs Nanette Armstrong against the decision of the Pembrokeshire Coast National Park Authority.
  - The application Ref NP/13/0219, dated 7 May 2013, was refused by notice dated 17 July 2013.
  - The development proposed is the erection of a detached two bedroom dwelling house.
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### **Decision**

1. The appeal is dismissed.

### **Background and Procedural Matters**

2. The appeal site is a plot of land some 19 metres wide and 29 metres deep alongside the B4584 road from Lamphey to Freshwater East. It lies between Greenhill, a two storey house (recently renamed as Sea Vale Lodge), and the side garden of Upper Portclew, a Grade II listed building. The side boundary with the latter is also the boundary of the Portclew Conservation Area, which encompasses a group of houses, buildings and other features on both sides of the road. The historic core of Portclew, which dates back to at least the medieval period, was designated as a Conservation Area in 1997.
3. There is already a brick garage on the appeal site, and a new access from the road has recently been constructed (planning permission Ref. 12/333, dated 12 July 2012). The proposed house would be sited further back than the garage.
4. Mrs Armstrong has submitted a Section 106 Unilateral Undertaking which would secure a financial contribution towards the provision of affordable housing. The Authority confirmed this would be in accordance with the requirements of the adopted Local Development Plan.
5. At the Hearing an application for costs was made by Mrs Nanette Armstrong against the Pembrokeshire Coast National Park Authority. This application is the subject of a separate Decision.

## **Main Issues**

6. The main issues in this case are whether or not the accessibility of the site would provide a sustainable development and the effects of the proposal on the setting of the Portclew Conservation Area.

## **Accessibility**

7. For development control purposes, the site is considered as lying within the countryside where development is strictly controlled (except for certain types of development normally found in such a location). The appeal site is situated just outside the small village of Freshwater East and some 10 minutes journey time by bus from Pembroke, the nearest Centre designated in the adopted Local Development Plan as containing a reasonable range of community services and facilities. Thus someone living at the appeal site would be expected to have to visit the Centre on a reasonably regular basis.
8. A bus service runs past the site and provides 3-4 buses per day in each direction during summer months but only a very limited service during winter months (2 buses per day in each direction on just 2 days per week). During school terms the daily school buses are also available for general use. Whilst it would, no doubt, be possible to live on the appeal site and only use these bus services, it is far more likely that future residents would rely heavily on the private car.
9. The Authority's adopted supplementary planning guidance on Accessibility Assessment aims to provide consistency in assessing the ability of development proposals to provide a realistic alternative to car borne travel in the interests of encouraging sustainable development. It advises that a bus service providing a minimum of 5 journeys per day at suitable times is the minimum necessary to be able to have a reasonable degree of mobility without private transport. The public transport serving the appeal site clearly falls well short of this.
10. It has been argued that almost all of the National Park area is served by bus services below this standard, particularly during winter months, which severely limits potential for development over a wide area. That may be the case. However, it is the policy adopted in the development plan and clearly reflects the strategic aims of the National Park Authority.
11. It has also been submitted that the close proximity of the site to Pembroke makes it more acceptable than one further afield, and that is a reasonable argument. However, my conclusion is that the site for the proposed house is in the countryside, remote from a settlement with a range of community services and facilities and not well served by public transport. Future occupiers of the dwelling would rely heavily on use of the private car. Thus accessibility for the development would be contrary to national and local aims for sustainable development, and the proposal would conflict with Local Development Plan Policy 7.

## **Setting of Conservation Area**

12. Turning to the second main issue, the proposed development would cover most of the width of the plot and, although it would be set well back from the road and would only cover 15% of the area of the plot, it would be a substantial building immediately adjacent to the edge of the Conservation Area. I am aware that it has been designed to minimise its impact by reducing its height to single storey next to the Conservation Area boundary. However, it would still have a significant visual impact.

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## Penderfyniad ar gostau

Gwrandawriad a gynhaliwyd ar 11/12/13  
Ymweliad â safle a wnaed ar 11/12/13

gan **Clive Nield BSc(Hon) CEng MICE  
MCIWEM C.WEM**

Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 23 Rhagfyr 2013

## Costs Decision

Hearing held on 11/12/13  
Site visit made on 11/12/13

by **Clive Nield BSc(Hon) CEng MICE  
MCIWEM C.WEM**

an Inspector appointed by the Welsh Ministers  
Date: 23 December 2013

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**Costs application in relation to Appeal Ref: APP/L9503/A/13/2203054**  
**Site address: Infill plot adjacent to Greenhill, Portclew Road, Freshwater East, Pembroke, Pembrokeshire, SA71 5LA**

**The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mrs Nanette Armstrong for a full award of costs against the Pembrokeshire Coast National Park Authority.
  - The hearing was in connection with an appeal against the refusal of planning permission for the erection of a detached two bedroom house.
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### Decision

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

### Submissions for Mrs Nanette Armstrong

2. The costs application was submitted in writing.

### Response by the Pembrokeshire Coast National Park Authority

3. The response was made orally at the hearing and addressed each of 5 points made by the Appellant. Firstly, it is correct that the Authority did not submit a specific hearing statement or comments on the Appellant's statement. Instead, its letter of 19 September 2013 explained that the Authority was relying on its committee report, which adequately covers all relevant matters, including those raised in the Appellant's statement. The Planning Inspectorate advises that duplication should be avoided, and it is considered that the committee report is robust and perfectly adequate to present the Authority's case.
4. It is not true that the Authority has provided no substantive reasons to support its conclusions that the development would fail to preserve or enhance the Conservation Area. Whilst the Authority's Building Conservation Officer acknowledged the "simpler design" of the appeal scheme over that previously submitted, his full response to consultation is included with the Questionnaire and makes it clear his objection to the principle of developing the site remains. The committee report reflected this advice.
5. The third matter raised is about withdrawal of the earlier application, and the relevance of this is not understood. It is a matter of fact that the Appellant withdrew

that application, and the Authority claims no credit for that. The officer's committee report is clearly directed towards the current appeal scheme. As to the Authority's reluctance to hold discussions with the Appellant on the detailed design of the scheme, this would have been a waste of the Appellant's time and money as the Authority's objections are primarily to the principle of developing the site. No amount of changes to the design would have overcome that objection.

6. Contrary to the Appellant's assertions, the Authority does not dispute that the site may be considered to be an infill site. However, the officer's committee report explains why the development is not acceptable because of its effects on the Conservation Area and its poor accessibility by public transport.
7. Finally, issue has been taken with the consistency of the Authority's interpretation of its supplementary planning guidance on Accessibility Assessment. Paragraphs 3.7 and 3.8 of that guidance refer to particular types of development, and the guidance allows for exceptions to be made. In resolving to grant permission for conversion of the barns at Upper Portclew for residential use the accessibility limitations were considered to be outweighed by the benefits of converting buildings of architectural merit. The current appeal proposal does not warrant any such exception.
8. The Authority's reasons for refusal have been clearly set out and explained in the context of relevant policies. The Authority has acted entirely reasonably, and an award of costs against it is not warranted.

### **Reasons**

9. Circular 23/93 (Welsh Office), Awards of Costs Incurred in Planning and Other (including Compulsory Purchase Order) Proceedings, advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
10. In this case I consider the Authority has acted entirely reasonably. It is perfectly entitled to rely on its committee report as its appeal statement, provided it presents a reasonable explanation of its reasons for refusing the application. I consider it met this requirement, and I found its evidence sufficiently convincing to lead me to dismiss the appeal. Its case was quite simple and relied primarily on objections to the principle of the proposed development of the site in terms of sustainability and effects on the setting of the adjacent Conservation Area.
11. I found the relevance of the supplementary guidance on Accessibility Assessment to be quite clear and there to be no inconsistency in the Authority's interpretation of the guidance for redevelopment of the nearby barns in comparison with the appeal proposal. Overall, I consider the Authority has met all requirements to explain and substantiate its case for refusing the proposed development.
12. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 23/93, has not been demonstrated.

*Clive Nield*

Inspector