

## 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:-

- NP/14/0446** Use of land for the stationing of one gypsy static caravan, retention and re-siting of one touring caravan together with utility/day room, septic tank, alteration to ground levels, formation of earth bunds and improvements, alterations to access - The Oaks, Land Adj. to Wynd Hill Farm, Manorbier
- Type:** Hearing
- Current Position:** The Appeal was dismissed and the Inspectors report is attached.
- 
- NP/15/0335** Variation of Condition no 2 of NP/14/0073 to allow the sale of hot take-away food until 21:30  
Café Aromas, Trafalgar Road, Tenby
- Type** Written Representations
- Current Position:** The initial papers have been forwarded to the Planning Inspectorate.
- 
- EC/15/0079** Unauthorised Gypsy/Traveller/Residential Site  
Land off The Ridgeway, Manorbier Newton,
- Type** Hearing
- Current Position:** The Appeal Hearing will take place on 8<sup>th</sup> March, 2016.
- 
- NP/15/0085** Change of use of fort & island to visitor attraction uses including C1, D1 and D2 with gift, food & drink & retail uses A1 and A3. Change of use of generator house to ticket and retail use A1 & A3. Restore/replace railings, install 2 cranes, 2 boat landings, construct security residence use C3, construct toilet & pumping facilities, install cliff nature walk, signage, path lighting, operations lighting, replace fort entrance bridge, install services, repair stairs & install new, install CCTV  
St Catherines Island, Castle Beach, Tenby, SA70 7BP
- Type** Public Inquiry
- Current Position:** The Initial papers have been forwarded to the Planning Inspectorate.
- 
- EC/13/0053** Erection of dwelling and change of use of land  
Mead Meadow, The Ridgeway, Manorbier
- .Type:** Hearing
- Current Position:** An appeal hearing took place on 22<sup>nd</sup> September 2015 and a decision is awaited.

---

## Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 22/09/15

Ymweliad â safle a wnaed ar 22/09/15

gan **Janine Townsley LLB (Hons)**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 16/11/15

## Appeal Decision

Hearing held on 22/09/15

Site visit made on 22/09/15

by **Janine Townsley LLB (Hons)**

an Inspector appointed by the Welsh Ministers

Date: 16/11/15

---

**Appeal Ref: APP/L9503/A/15/3029720**

**Site address: The Oaks, Land Adj to Wynd Hill Farm, Manorbier, Tenby,  
Pembrokeshire, SA70 7SL**

**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 Kristy Probert against the decision of Pembrokeshire Coast National Park Authority.
  - The application Ref NP/14/0446, dated 11 August 2014, was refused by notice dated 26 February 2015.
  - The development proposed is the use of the land for the stationing of one gypsy static caravan, retention and re-siting of one touring caravan together with a utility/ day room, septic tank, alteration to ground levels, formation of earth bunds and improvements and alterations to the access.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Pembrokeshire Coast National Park Authority (PCNPA) does not dispute the gypsy status of the appellant or his family. There is no evidence before me to suggest that the appellant or his family are not gypsies and from what was said at the hearing, I am satisfied they are gypsies for the purposes of the definition at paragraph 3 of Welsh Assembly Government Circular (WAGC) 30/2007 "*Planning for Gypsy and Traveller Sites*".

### Main Issues

3. These are:
  - The effect of the proposed development on the character and appearance of the area, and the extent to which the proposal complies with local and national policies designed to protect the qualities of the Pembrokeshire Coast National Park (NP);

- The general need for, and supply of gypsy and traveller sites in the area and the personal circumstances of the appellant and his family.

### Reasons

4. The appeal site is situated within the NP. It fronts the A4319 and is bounded by the residential property and caravan park known as Wynd Hill to the west, with fields surrounding and beyond the highway. The perimeter of the site has a number of trees and hedges, particularly bordering the highway and Wynd Hill. Whilst there are examples of development in the locality, the overall character is countryside. In this regard, the proposed development would contrast with the existing character of the area.
5. The appellant proposes to live on the site with his wife and two children. The family currently reside on a private site owned by and shared with extended family; however, the appellant states that this is unsuitable due to overcrowding.
6. The proposals include the construction of a single storey utility/ day room and the siting of a static caravan and touring caravan together with alteration of ground levels, formation of earth bunds and alterations to the access. At the time of the site visit a touring caravan was on site and some ground levels works had been carried out with the formation of bunds.
7. WAGC 30/2007 recognises that gypsy caravan sites can be located in rural settings where not subject to specific planning or other constraints<sup>1</sup>, however, any statutory duties associated with a designation must be complied with<sup>2</sup>. The issue, therefore, is whether the development would cause harm to the character and appearance of the area. Policy 46 of the PCNPA's Local Development Plan, 2010, (LDP) provides that proposals for gypsy and traveller sites will be permitted where, amongst other things, the proposal does not cause significant visual intrusion, is sensitively sited in the landscape and satisfactory landscaping is provided.
8. National Parks have a statutory purpose; to conserve and enhance their natural beauty, wildlife and cultural heritage and to promote opportunities for public understanding and enjoyment of their special qualities<sup>3</sup>. Further guidance is set out within Planning Policy Wales, Edition 7, which states that National Parks must be afforded the highest status of protection from inappropriate developments<sup>4</sup>.
9. The site falls within Landscape Character Assessment Area 4 as identified in PCNPA's Supplementary Planning Guidance document *Landscape Character Assessment (LCA)*, June 2011. It is recognised within this document that visual detractors in the form of caravan sites and modern housing exist in this character area. The LCA is said to have outstanding values attributed across all evaluated landscape aspects. Reference is made to the "medieval open field system which has survived remarkably well in the area". In this respect, the appellant asserts that a single pitch proposal would not affect this feature, however, there is nothing before me to persuade me that the

---

<sup>1</sup> Paragraph 26.

<sup>2</sup> Paragraph 34.

<sup>3</sup> S 61 Environment Act 1995.

<sup>4</sup> Paragraph 5.3.6.

development as proposed would not interfere with this feature. Whilst the development is for a single pitch, it would result in the introduction of two caravans, a day-room building and associated landscaping. The sub-division of the field to facilitate the development would result in degradation of the medieval strip-field system and therefore would conflict with the management guidance for the LCA.

10. The change from a vacant field to a caravan site would result in a complete change of character of the appeal site. In terms of the surrounding area, although there are some trees and hedges between the site and the highway and adjacent caravan park, these are not sufficiently dense to provide screening of the site. There are existing views into the site from the adjacent road and these would be increased as a result of the access proposals which form part of the scheme. I have also taken into account concerns raised by the owner of the adjacent land at Wynd Hill about views into the site from an area they currently use for seasonal tented camping. In this regard the proposed siting of the caravans and dayroom along this boundary would be conspicuous from this location when viewed by visitors to Wynd Hill. Whilst proposals have been put forward for the landscaping of the site, planting would take a number of years to mature sufficiently to provide screening. The creation of a wider access with visibility splay would significantly increase views into the site and although the landscaping proposals for this part of the site are comprehensive, the time required for this to establish sufficiently to provide adequate screening means that for a prolonged period of time, the site would appear visually intrusive in this countryside location. For this reason, the proposed development cannot be considered to be sensitively sited and thus conflicts with policy 15 and criterion (iv) of policy 46 of the LDP.
11. At the hearing, it was alleged that the appeal site was in an area of the NP which was less "pristine" than others. The examples of existing development in the area are acknowledged in the LCA document. I observed the existing development to be sporadic and aside from Wynd Hill, does not have an impact on the immediate area. Furthermore, not all existing development is visible from public vantage points such as highways and for this reason does not influence the character of the area. A distinction can also be drawn between the proposed development and Wynd Hill since the caravans on that site are set back from the dwelling and are not visible from the highway. The appellant's evidence refers to an existing site within the NP in order to address how the appeal site could be adequately screened by maturing planting, however that site was subject to a certificate of lawfulness application.
12. For the above reasons, I conclude the proposed development in this part of the NP would detract from the character and appearance of the area and I give this matter substantial weight. Furthermore, the creation of a gypsy site within part of a field would fail to respect the prevailing linear field pattern which exists at this location and for these reasons, the development would be incompatible with the conservation of the natural beauty of the NP and would fail to accord with policy 1 of the LDP.

#### *The need for gypsy sites in the area*

13. PCNPA is not a Housing Authority. Statutory obligations relating to the carrying out of accommodation needs assessments for gypsy and travellers are carried out by Pembrokeshire County Council. These duties reflect wider duties to promote equal opportunities and to prevent unlawful discrimination on the grounds of race.

14. In 2013 Pembrokeshire County Council produced the Gypsy Traveller Accommodation Needs Assessment. This identified an unmet need for 49 pitches throughout Pembrokeshire by the end of 2018.
15. The geographical area covered by the needs assessment includes the NP. Whilst PCNPA asserts that additional accommodation will be addressed through Pembrokeshire County Council's planning jurisdiction, and that there is no identified need for additional gypsy accommodation within the NP per se, there is no evidence before me to suggest that the NP is excluded from the need to assess applications for gypsy sites against national policy. I have no evidence before me to suggest that the accepted shortfall in site provision will be addressed within the immediate future. This is a material factor to be taken into account.

### *Balancing*

16. As I have found that the proposed gypsy caravan site at this location would not meet some of the criteria in the relevant development plan policies it is necessary to weigh other material considerations against this failure to comply with policy. I have found there is an unmet need for gypsy accommodation and this is a material factor and needs to be given weight in dealing with proposals for gypsy accommodation. The appellant and his family currently reside on a private site shared with extended family members. Whilst they are settled on this site and the children attend the local school, this does not mean they cannot seek an alternative site or be granted permission for one that is acceptable in planning terms. I acknowledge that their current arrangements may not be desirable due to lack of space and that the intention is to return to Pembrokeshire. Nevertheless, this is not a situation where there is a specific lack of accommodation for those behind the application and appeal or a proposal that would result in no or negligible planning harm.
17. I have had regard to the problems the family have experienced at the Castle Quay site due to inter-family feuds, and their concerns that they may also experience similar problems at any of the other sites operated by the County Council. I note the appellant's position that the family do not wish to live on a council operated site, however the appellant and his family have a secure base and there is no risk of them being made homeless or resorting to roadside camping if denied the permission they seek.
18. My findings above lead me to a conclusion that the harm to the character and appearance of this part of the NP and consequent conflict with adopted development plan policy for the provision of gypsy caravan sites is unacceptable and not outweighed by the unmet need for gypsy accommodation in the area or the particular needs of the appellant and his family. I do not consider there are conditions that can be imposed that would avoid or mitigate the harm I have identified to a degree that would make the development acceptable. I have considered whether a temporary permission would be appropriate in this case, however, I consider the harm to the character and appearance of the NP would be so great that it could not be justified, even for a temporary period. In any event, no temporary consent was sought by the appellant.

### **Human Rights**

19. I have taken into account the fact that the site is a proposed home for a family with two children. No evidence has been put forward for any medical reasons to support the proposed move and whilst the appellant's preference would be for the children to

attend the Monkton Primary school which has a specialist provision for gypsy and travellers, the children already attend a school close to their current home and have done so for the past two years. The refusal of this appeal would not result in an interference with their education. The appellant's position is that should the appeal fail, the family will remain at their current home. Taking into account the best interests of the children, the refusal of this appeal would therefore not result in disturbance to their family life.

20. I have weighed these considerations against the wider public interest, including the need to protect the landscape of the national park and consider that my decision to refuse this appeal is proportionate and justified.

*Other matters - Highways*

21. The appeal site is served by two existing vehicular access points. The appeal proposal provides for their replacement with a single four metre wide access. Subject to these works, no objections to the scheme were put forward by Pembrokeshire County Council's highways department. At the hearing it was explained that the amended access could not be delivered since the proposal to translocate a section of the banked hedge to provide a visibility splay would involve works being carried out on land which is not in the appellant's ownership. This matter did not appear to be disputed by the appellant. Efforts were made to obtain a highways officer response to this but none was forthcoming. For this reason it was not possible to ascertain whether this factor would have resulted in any highways concerns. Given my conclusions in relation to the unsuitability of the proposal due to the effect on the character and appearance of the area and the impact on the NP, I have not considered further whether land ownership issues could result in any highway safety implications since the acceptability or otherwise of the access does not detract from my findings as set out within this decision.

**Conclusion**

22. For the reasons set out above, I conclude the appeal should be dismissed.

*Janine Townsley*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Andrew Vaughan-Harries Bsc (Hons) Dip TP MRTPI	Hayston Developments and Planning Ltd
Kristy Probert	Appellant
Lisa Probert	Appellant's Wife
Cooper and Heston Probert	Appellant's Children

### **FOR THE LOCAL PLANNING AUTHORITY:**

Liam Jones Bsc (Hons) Msc MRTPI	Head of Development Management, Pembrokeshire Coast National Park Authority
------------------------------------	--

### **INTERESTED PERSONS:**

Richard Green	RS Green Associates on behalf of Mr and Mrs Clayton
Dawn Clayton	
Brian Clayton	Wynd Hill farm
Mr G Armstrong	Slade Farm, Manorbier
Councillor Phill Kidney	Janeston