



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 13/02/13
Ymweliad â safle a wnaed ar 14/02/13

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: **08/03/13**

Appeal Decision

Hearing held on 13/02/13
Site visit made on 14/02/13

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

an Inspector appointed by the Welsh Ministers

Date: **08/03/13**

Appeal Ref: APP/L9503/A/12/2184276

**Site address: Land adjacent to Binchurn Farm, Llanon, Haverfordwest,
Pembrokeshire, SA62 5AE**

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 failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Tom O'Kane against the Pembrokeshire Coast National Park Authority.
 - The application Ref NP/12/0230, is dated 1 May 2012.
 - The development proposed is a low impact development on 6 hectares to include a dwelling, an agricultural barn, an education room, a polytunnel & volunteer sleeping space.
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Decision

1. The appeal is dismissed and planning permission for a low impact development on 6 hectares to include a dwelling, an agricultural barn, an education room, a polytunnel & volunteer sleeping space is refused.

Procedural and Background Matters

2. The appeal site comprises 2 fields of pasture and rough grazing and an area of woodland/scrub immediately to the east of the small hamlet of Llanon and about 1.5 km (1 mile) south of the village of Trefin. The land falls steadily from south to north and is bordered by mature hedgerows.
3. The proposal is for a low impact development where the Appellant and his family (partner and 2 children) would be largely self-sufficient. The buildings would be constructed in traditional materials (substantially timber) with green roofs. The dwelling would be curved in plan, approximately 21 metres long, 8 metres wide and 5.25 metres high. The agricultural barn would also be curved in plan and about 21 metres by 5 metres and 4 metres high. The education building would be almost round, some 7 metres diameter by 3 metres high. The volunteer accommodation cabin and compost toilet building would be approximately 6 metres by 4 metres and 5 metres by 3 metres respectively, both about 3 metres high. This group of buildings would be situated close to the middle of the eastern boundary of the site with a connecting access track to the present field entrance from the public highway, which runs along the southern boundary of the site.

4. The proposed polytunnel would be 20 metres by 4.5 metres by 3 metres high and would be situated near the western side of the site close to the existing wooded area. The Appellant would propose to grow fruit, vegetables and cereal crops and raise livestock on part of the land. Broadleaf woodland would be grown and harvested on most of the rest, and substantial areas of new woodland have already been planted.
5. A previous application was made and refused by the National Park Authority in February 2012 (Ref NP/11/398). That proposal was also for a low impact development but differed from the current scheme in the proposed location of the buildings (close to the road) and the inclusion of a farm shop. The Authority refused that application for the same reasons it has indicated it would have refused the appeal scheme if the appeal had not been lodged before the application was determined.
6. A Section 106 Unilateral Undertaking has been submitted, which would come into effect if planning permission was granted and implemented. It comprises 4 obligations on the part of Mr O'Kane: to use the site in accordance with the Management Plan submitted as part of the application (and appeal); to maintain the dwelling, buildings and land comprising the site as a single unit; to tie occupation of the dwelling to residents solely, mainly or last working on the site and dependent relatives; and that the dwelling will be the sole residence of the residents. I have taken this into account in my considerations.

Main Issues

7. The main issues in this case are:
 - the effect on the character and appearance of the area, bearing in mind its location within the Pembrokeshire Coast National Park;
 - whether or not the development would make a positive environmental, social and/or economic contribution with public benefit;
 - whether or not the development would provide sufficient livelihood for and substantially meet the needs of residents on the site; and
 - whether or not the Management Plan meets the requirements of national policy for the provision of evidence to justify the exceptional nature of the development, and to provide a basis for ongoing monitoring and review of the development to ensure it fulfils its objectives.

Policy

8. The adopted development plan is the Pembrokeshire Coast National Park Local Development Plan, adopted in September 2010. Policy 1 sets out the purposes and duty of the National Park and that development must be compatible with "*the conservation or enhancement of the natural beauty, wildlife and cultural heritage of the Park*" and "*the public understanding and enjoyment of those qualities*". It also says that "*in determining proposals, due regard will be paid to the need to foster the economic and social wellbeing of the local communities within the Park provided this is compatible with the statutory National Park purposes embodied in the foregoing considerations*". Policy 7 (Countryside) only permits development in the countryside outside the identified centres in particular specified circumstances, one of which is low impact development making a positive contribution and meeting the requirements of Policy 47.

9. It is common ground that Policy 47 is the main policy consideration. It says low impact development in the countryside that makes a positive contribution will be permitted provided 8 criteria are met. The Authority's intended refusal referred to 4 of these that the Authority maintains would not be met:

"a) the proposal will make a positive environmental, social and/or economic contribution with public benefit";

"b) all activities and structures on site have low impact in terms of the environment and use of resources";

"d) the development is well integrated into the landscape and does not have adverse visual effects"; and

"f) the proposal will provide sufficient livelihood for and substantially meet the needs of residents on the site".

10. National policy is contained in Planning Policy Wales, Technical Advice Note 6 (TAN6) – Planning for Sustainable Rural Communities, and the recently issued (October 2012) Practice Guidance for One Planet Development, which provides practical guidance in support of TAN6. Whilst the Welsh Government supports the principle of low impact development, it places emphasis on the need to ensure it is properly controlled. Particular emphasis is placed on the need for a Management Plan produced by a competent person(s), which *"should set out the objectives for the proposal, timetable for development of the site and timescale for review"* and *"should be used as the basis of a legal agreement relating to the occupation of the site, should planning consent be granted"*. The scope of the Management Plan is defined in TAN6 and the Practice Guidance document.

Reasons

Character and Appearance

11. The driving policy aim for the National Park is *"the conservation or enhancement of the natural beauty, wildlife and cultural heritage of the Park"*, and the Appellant has sought to address this by carrying out a landscape and visual impact assessment. However, this assessment has not been done in a sufficiently structured way and places more emphasis on assertion than on factual analysis.
12. The landscape is predominantly pastoral in character with mainly medium sized fields, small areas of woodland, stone walls and banks, and scattered farmsteads, small hamlets and villages. The LANDMAP assessment system indicates that one of the key qualities that should be preserved in the area is its low intensity of use. The appeal proposal would introduce an area of intensive horticulture and a pattern of smaller fields that would be quite different to the surrounding landscape. The Appellant argues that this would be an improvement and that the smaller fields would return the land to its traditional form of many years ago. However, there can be no doubt it would be out of place in its surroundings and harmful to the general open, spacious character.
13. In terms of appearance, the site is clearly visible from many directions and can be seen from the nearby village of Trefin, from the coastal path and from a network of public rights of way. In those views the proposed development would be seen as an incongruous feature in an otherwise generally open landscape. It is argued that the site is alongside a number of other buildings in the small hamlet of Llanon. However, the main area of built development would be remote from these, in the middle of the

otherwise open fields and alongside the eastern boundary of the site. The access drive would also be lengthy and remote from the rest of the hamlet, and the visitor parking area and array of solar panels would be in yet another part of the site. All of these buildings and constructions would appear as intrusions in the open countryside.

14. It is submitted that planting and other landscape measures would in time provide adequate screening of these features and that the natural materials used would be less intrusive than other building materials. Clearly, some mitigation could be achieved. However, even this would not adequately conceal the nature of the built development, which would be harmful to the rural character and appearance of the area. The importance of this is heightened by the location of the site within the National Park, even though it is on the edge of the Park. I conclude that the proposal would be unacceptably harmful to the character and appearance of the National Park and would fail to conserve or enhance its natural beauty.

Positive Contribution with Public Benefit

15. LDP Policy 47 requires low impact developments to *"make a positive environmental, social and/or economic contribution with public benefit"*, and it is argued that positive benefits would be generated in terms of environmental improvements, enhanced natural habitats, opportunities for training in sustainable living, and in the provision of surplus fresh local produce available for sale. Environmental improvements would include the repair of hedges and fences, woodland management, the production of sustainable vegetable variety seeds, and the introduction of bee hives. These measures, together with the introduction of more hedges (for smaller fields), would provide an improved range of natural habitats and connection corridors for wildlife.
16. These would be positive environmental improvements with some public benefit in ecological terms, provided public access was encouraged (a footpath is proposed). However, most of the benefits would be to the occupiers of the site themselves.
17. The Appellant would provide facilities for visits and on-site training in low impact living. The National Park Authority is sceptical of this as similar opportunities are already provided at other low impact developments elsewhere in Pembrokeshire. However, there is evidence of interest in this aspect of sustainable living, particularly from local schools, and I consider it would be a useful potential public benefit. It is submitted that similar training could be provided elsewhere without having to allow the appeal development and that the associated travelling to the site would itself be contrary to sustainability principles. Both of these may well be correct; however, I consider the potential benefits of the training to outweigh them.
18. Finally, it is submitted there would be public benefits from the availability of fresh local produce for sale. It is questionable how much surplus produce would be available, and I consider this in more detail below. However, the availability of locally grown, organic fresh produce must be accepted as a public benefit. It is arguable that this benefit could be comparably achieved by intensive horticulture of the land without the need to live on the site. Nevertheless, it would amount to a positive contribution with public benefit, albeit one that is difficult to quantify without evidence of the likely productivity of the land in question.
19. Overall, I conclude there would be likely to be a small positive contribution to public benefit in the form of an improved range of natural habitats, the provision of training opportunities in sustainable living, and the provision of fresh produce for sale to the public. This requirement of Policy 47 would be met, albeit with limited weight.

Provision of Livelihood for Residents

20. LDP Policy 47 requires low impact development to “*provide sufficient livelihood for and substantially meet the needs of residents on the site*”. The policy itself does not define how this can be measured but the Authority’s supplementary planning guidance on Low Impact Development, adopted in 2006, advises that at least 75% of household needs should be met through land-based activities.
21. The recent national guidance says it should be expected that low impact development (the guidance uses the term “One Planet Development”) will be able to produce at least 65% of basic food needs or a minimum of 30% with the further 35% being purchased or bartered using income or surplus produce grown or reared on the site. In addition, it is expected that monetary income will need to be generated to enable the purchase of other basic needs, such as clothes, travel, IT/communications and Council Tax. The majority of this income should be generated by land-based activities, though subsidiary income may be generated by non land-based activities, such as the provision of training and education courses.
22. Taken together these provide useful guidance on what should be expected from low impact developments of the type proposed. In this case, Mr O’Kane submits that within 5 years adequate food and other produce would be generated to meet these objectives comfortably, leaving a margin for error or over-optimism in his projections. However, the Authority disputes these projections and argues that the site is in an exposed, windy and salt air location where such produce would struggle to grow. Having taken professional advice, it considers it unlikely the crops could be cultivated to produce the quantities required and that the Appellant’s projections are implausible.
23. I heard further conflicting views on this at the hearing and find it difficult to reach a confident conclusion. At present most of the land in the area is used just for grazing, which also raises doubts about the suitability of the local soils and micro-climate for the growing of other crops. On the other hand, I heard glowing testimonies about Mr O’Kane’s horticultural abilities. I have taken all of these into account. On balance, I am not satisfied that sufficient evidence has been provided to justify the projections made about the likely levels of production on the land and the sustainability of the land-based enterprise. In view of the uncertainty I do not attribute great weight to this conclusion but nor do I accept that this requirement would be met.

Adequacy of Management Plan

24. Finally, I turn to the fourth main issue, whether or not the Management Plan meets the requirements of national policy for the provision of evidence to justify the exceptional nature of the development and provides a basis for ongoing monitoring and review of the development to ensure it fulfils its objectives.
25. The first matter to address is the reliability of the Management Plan itself as the recent national guidance says it should be “*produced by a competent person(s)*”. In other contexts that phrase is generally taken to mean someone who is professionally qualified and suitably experienced. In this case, Mr O’Kane wrote the Management Plan himself, albeit with assistance on certain specialist matters. He has prepared it with painstaking attention to detail and commendable determination and enthusiasm. On many matters he is probably as well placed as anyone to contribute his knowledge and expertise. However, the lack of impartial professional input raises doubts about possible over-optimism, particularly in the absence of supporting evidence.

26. I have already referred to this above in connection with assessment of the landscape and visual impact of the proposal. The Transport and Travel Plan also suffers from a lack of professional rigour and relies heavily on the Appellant's own assertions. Even though these are, no doubt, sincerely held views, the lack of rigour is a shortcoming in the Management Report. Having reached these conclusions, I also acknowledge that Mr O'Kane prepared the Management Plan before the national guidance was issued and before the advice contained in it that the Management Plan should be prepared by a "competent person". Consequently, I give little weight to the fact that it has not been so prepared. However, the associated shortcomings remain, for example the shortcomings in the landscape and visual impact assessment and in the transport and travel assessment, and the reduced confidence in the produce production projections. For these reasons I do not consider the Management Plan meets the requirements set out in the national guidance to justify the exceptional nature of the development or to provide a basis for ongoing monitoring and review.

Overall Conclusion

27. Many factors support the proposal, including the strong national policies in support of sustainable development and the exceptional provisions made for low impact development in both development plan and national policy. However, nothing outweighs the considerations that have led me to my main conclusions above, particularly the conclusion that the development would be unacceptably harmful to the character and appearance of the National Park. This weighty conclusion is reinforced by my conclusions on the shortcomings of the Management Plan and on the doubts about the adequacy of crop production levels likely to be achieved. Even though I consider it would make a small positive contribution to public benefit, this and all other matters would be considerably outweighed by the significant harm that would be caused.
28. Several other matters have been raised and were subject to discussion at the hearing, including electricity and water usage and their likely means of supply. However, none of them are key factors in the determination of this appeal.
29. I conclude that, on balance, the proposed development would be contrary to national and development plan policy. For the reasons given above I conclude that the appeal should be dismissed.

Clive Nield

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Tom O’Kane	Appellant.
Ms Pascale Mesple	Appellant’s partner.
Mr Paul Wimbush	Appellant’s friend, from Lammas LID.

FOR THE NATIONAL PARK AUTHORITY:

Ms Vicki Hirst, MA, MRTPI	Head of Development Management, Pembrokeshire Coast National Park Authority.
Ms Martina Dunne, BA, MSc, MRTPI	Head of Park Direction, PCNPA.

INTERESTED PERSONS:

SUPPORTING APPEAL

Cllr Owen James	Scleddau (adjoining Ward) County Councillor.
Ms Melanie Robinson	LID resident, Cardigan.
Mr Daffydd Hughes	LID resident, Lleyn Peninsula.
Ms Shayne Newlyn	Local resident.
Ms Erica Thompson	Climate scientist.
Mr Steve Wilson	Local resident.
Dr Kathryn Lloyd-Williams	Supporter.
Ms Tracey Styles	LID resident, Cardigan.
Ms Kate McEvoy	Real Seeds Collection Ltd, Newport.
Mr Gerald Miles	Local organic farmer.
Mr Benjamin Eden	Local resident.
Mr Dafydd Williams	Local resident.
Mr John Hargreaves	LID resident, Cosheston.
Mr Tony Wrench	Supporter.
Dr Tony O’Kane	Appellant’s father.

Mrs Val Buick	Local resident.
Mr Wyn Buick	Local resident.
Ms Jackie Banks	Supporter.
Ms Rachel Jenkins	Local resident.

OPPOSING APPEAL

Mr Robin Moore	Local resident, Chairman Conserve Llanon Group.
Mr Tim Murray	Local resident, Member Conserve Llanon Group.
Mr Hugh Edwards	Local resident, Member Conserve Llanon Group.
Mr David Aspden	Local resident, Member Conserve Llanon Group.
Mr David Nicholas	Local resident, Member Conserve Llanon Group.
Mrs Janet Nicholas	Local resident, Member Conserve Llanon Group.
Mr John Ratcliffe	Friends of Pembrokeshire Coast NPA.
Mr Phil Stern	Local winter resident.
Ms Beth Swan	Local resident.
Ms Sarah Bhagat	Local resident.
Ms Gaynor Edwards	Local resident.
Ms Berys Becker	Local resident.

DOCUMENTS SUBMITTED AT HEARING

- 1 Signed copy of S106 Unilateral Undertaking, submitted by Appellant.
- 2 Artist's impression of view of development from site entrance, submitted by Appellant.
- 3 Statement submitted by Cllr Owen James in support of Appellant.
- 4 Supplementary Statement submitted by Mr Robin Moore on behalf of Conserve Llanon Group, commenting on Appellant's hearing statement.
- 5 Note on environmental visual impact in support of Appellant, submitted by Ms Gill Lewis.

PLANS

- A - O Application plans providing details of layout, buildings block plan, dwellinghouse, agricultural barn, education building, volunteer accommodation cabin, polytunnel, compost toilet building, access track and hedge.