



## Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 10/11/09

Ymweliad â safle a wnaed ar 10/11/09

**gan/by Rebecca Phillips BA (Hons) MSc DIPM MRTPI MCIM**

**Arolygydd a benodir gan  
Weinidogion Cymru**

## Appeal Decision

Hearing held on 10/11/09

Site visit made on 10/11/09

**an Inspector appointed by  
the Welsh Ministers**

Dyddiad/Date 02/12/09

**Appeal Ref: APP/N6845/A/09/2106414**

**Site address: Coedwig Blaen, Llwydiarth, Pembrokeshire, OS Map 158  
Ref 095266**

**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 Jenny Carr against the decision of Pembrokeshire County Council.
- The application Ref 07/0604/PA, dated 31 July 2007, was refused by notice dated 16 December 2008.
- The development proposed is temporary accommodation for forestry workers for two years.

### Decision

1. I allow the appeal and grant planning permission for temporary accommodation for forestry workers for 3 years at Coedwig Blaen, Llwydiarth, Pembrokeshire, OS Map 158 Ref 095266 in accordance with the terms of the application Ref 07/0604/PA dated 31 July 2007, and the plans titled Floor Plan 1:100 on A4 (PA8), Site Plan 1:200 (PA9), Location Plan 1:2500 on A4 (PA10) and the photo montage showing the elevations (PA11), subject to the conditions set out at the end of this decision.

### Procedural Matters

2. The application for two years was based on initial advice from the Council. However, *Planning Policy Wales (PPW)* Technical Advice Note (TAN) 6: *Agricultural and Rural Development* makes allowance for a period of 3 years for temporary forestry dwellings. The Council agrees that 3 years would be preferable and would allow more scope for monitoring and reviewing the project. I am satisfied that allowing the temporary accommodation for 3 years would not substantially change the development and that no interests would be prejudiced.
3. I note that the siting and layout of the accommodation differs to the details submitted. At the Hearing the appellant said that the temporary accommodation would be moved and altered to comply with the planning application. I shall impose an appropriately worded condition requiring this and I have therefore determined the appeal on the basis of the submitted plans.

## **Main Issue**

4. I consider that the main issue in this case is whether, in light of local and national policies, there is justification for a temporary forestry dwelling in this location.

## **Planning Policy**

5. National guidance on temporary forestry dwellings is set out in TAN 6. It provides criteria which should be satisfied including a functional test to establish whether, for the proper functioning of the enterprise (in terms of its current and likely future requirements), one or more workers needs to be readily available at most times. Also, clear evidence that the proposed enterprise has been planned on a sound financial basis and the functional need could not be fulfilled by other existing accommodation in the area which is suitable and available for occupation by the workers concerned. This guidance is reflected in Policy 48 of the adopted Joint Unitary Development Plan for Pembrokeshire (JUDP).
6. I have also been referred to JUDP Policy 52 which relates to low impact development that makes a positive contribution. It sets out 8 criteria which must be met for a development to be permitted. The Council considers that the proposal does not meet criteria i), ii) and iv) which are addressed below. The adopted Supplementary Planning Guidance (SPG) related to Policy 52 has been subject to public consultation and I afford it substantial weight. It says that a proposal submitted under this policy will need to be accompanied by a management plan, and that an annual monitoring report will be required to show that the objectives of the development are being met and the positive benefits provided.

## **Reasons**

### ***Intention and ability to develop the enterprise and functional need***

7. The appeal site lies within approximately 36 ha of woodland located outside the village of Maenclochog in open countryside. The appellant and her family occupy temporary accommodation comprising a caravan and storage area clad in timber. It is intended to restore an area of ancient woodland to its original level of biodiversity. This includes monitoring the site to determine the least damaging felling patterns and the most appropriate species to replant. The woodland is managed through continuous cover including selective thinning and the clearing of small areas to encourage natural regeneration. The long-term objective is to re-establish the ancient woodland to enhance the appearance of the countryside, to reopen wildlife corridors and to increase biodiversity.
8. Continuous cover differs from that of conventional forestry management and is based on sustainable principles. This method requires intensive and ongoing supervision. Activities on site are a combination of agriculture and forestry. They include coppicing, timber production and processing and a tree nursery as well as mushroom cultivation, pig breeding and rearing, honey production and foraging for wild nuts and berries. The scale of the enterprise requires two full-time workers plus a potential need for temporary seasonal employment.
9. The appellant says that it is necessary to be resident on site to perform routine tasks throughout the day and evening as well as dealing with emergencies that

may arise. On-site security would also help guard against the theft of machinery, firewood and mushroom logs. There are 4 sows on site which play an important role in sustainable forestry clearing but require close supervision. The pigs are also bred to provide meat for the appellant's family as well as a potential source of income. Farrowing takes place throughout the year. The pigs are free range and due to the steep terrain the farrowing takes place outdoors. Whilst the scale of pig breeding is likely to remain small, I accept that care of the pigs, particularly during farrowing, requires constant supervision. It would not be practical to provide the necessary care by somebody living away from the site using a temporary shelter, as suggested by the Council.

10. The gourmet mushrooms are grown through use of inoculating logs in the woodland. It is important to routinely monitor moisture content and to ensure that crops are not destroyed by weed fungi and pests. It is also necessary to be on hand to prevent blemishes on such a premium product or rain turning mushrooms slimy which would render them unsuitable for sale. In addition, frost protection is essential to guard against damage to the mushrooms, tree nursery and other crops. Rain and frost can occur without warning and it would not be possible to anticipate this with any degree of accuracy unless the appellant is on hand. Furthermore, mushroom growth is dependent upon good air flow and for this reason it would not be possible to routinely cover the logs. Similarly, covering the tree nursery for any length of time could damage the saplings.
11. The woodland activities are the primary source of income for the appellant's family. They have been on site for over two years and in that time have made investment in the land and machinery as well as their time. They have demonstrated their commitment and ability to develop the enterprise through ongoing improvements to the woodland and plan to invest in a timber workshop. I thus consider that there is a clearly established functional need at this site and evidence of a firm intention and ability to develop the enterprise.

#### ***Sound financial basis***

12. The business plan shows that the appellant's family are meeting their financial needs from the income produced by the business as well as an element of living off the land. Income is generated from the sale of firewood as well as value added timber products such as planks and beams. There are also sales from woven baskets and mushrooms and it is hoped to sell pork in future. A Forestry Commission Grant was secured for provision of access routes into the ancient woodland site and there is approval for funding from the Food Business Development Advisory Service. In addition there are plans to build and equip a timber workshop and it is hoped to secure grant funding towards this. The business plan shows that a profit was made in the first year of trading and there are opportunities for the enterprise to diversify and grow.

#### ***Suitable and available accommodation in the area***

13. The appellant has considered the locally available properties identified by the Council. However, the joint income of the appellant and her partner are unlikely to be enough to secure a necessary mortgage for the properties available for sale. Even the cheapest available rental property would not be affordable given the income generated by the enterprise. Also, this is a two-bedroom property which

would not be ideal for a family of 4 with the need for office space. It is in the private sector and thus likely that the couple would fail any affordability checks carried out by a landlord. These properties are also some distance away and for the above reasons it has been established that there is a need to reside on site.

14. The following criteria relate to JUDP Policy 52, as referred to above: -

***i) A positive environmental, social and/or economic contribution with public benefit***

15. The principal objectives of the project relate to the restoration of some 8 ha of ancient woodland which will improve the appearance of the surrounding area and increase biodiversity. In addition 25,000 trees have been planted as part of a national scheme. It is proposed to preserve Castell Forlan Iron Age Hill, a scheduled ancient monument. The overgrown defence ditches will be cleared, under the guidance of CADW, which will allow the earth works to be viewed from the public right of way that passes alongside the site. It is also proposed to make the site safe in order to map and survey the monument and wider area in more detail. There are plans to improve the riparian zone, which adjoins a Site of Special Scientific Interest, through converting the conifer plantation to wet woodland and creating a new wildlife corridor.

16. In terms of social and economic benefits, accessibility via the public footpaths has been greatly improved. The overgrown vegetation has been cut back and forestry tracks have been laid on the main footpath which was previously impassable. This has been upgraded with a new surface, drainage ditches and landscaping to the banks and verges. Local community events have been held, including an open day, whereby a local historian gave a talk about the old railway, and a children's cycling event. Children's woodland activities events have also been held, together with an annual Peace Bonfire event. Longer-term it is intended to continue to improve access across the site to enable local schools and community groups to organise visits to the site to see features such as the remains of Barnes Wallace's bouncing tunnel bomb, the historic railway and the Iron Age Hill Fort.

***ii) All activities and structures on site have low impact***

17. The SPG defines low impact and says that developments will be expected to be able to provide all their own water, sanitation and energy on site and seek to restrict the use of main connections. All sewage is treated on site, electricity is generated from renewable sources such as solar panels and a battery bank and water is harvested from rain water and a spring. Household waste is re-used, composted or recycled and heat and hot water is provided through use of a wood burner. Furthermore, activities carried out on the land are designed to work with nature to minimise any impact and support a sustainable livelihood.

18. According to the SPG low impact also means that buildings should be constructed from materials that are recycled, reusable and have low embodied energy or are from sustainable sources. The caravan was purchased second hand and the appellant says that it may have been scrapped by the vendor due to its age. It is thus a recycled item which has been clad in timber from the woodland and hence a sustainable source. Furthermore, the accommodation is temporary and can be removed without any permanent impact on the site.

19. The SPG sets out that traffic generation targets must be well below what would be expected from a similar development operated in a conventional way. The appellant estimates that the current daily average is 2.9 vehicle journeys which she says is likely to fall as her children get older and are able to cycle more. Also, the school bus runs past the entrance gate. The family cycle locally to school or to the local services and visitors are encouraged to walk or cycle. The open days and events have been attended by visitors who have been encouraged to cycle or to car share and on one occasion the children arrived via a minibus. Vegetables are grown on site and other items are either shopped for locally or delivered by a local supplier who delivers in the neighbourhood. In addition, discussions are taking place regarding opening the old railway line for public access which would reduce the distance of the site from Maenclochog.
20. Traffic generation for the forestry side of the business is lower than that of a conventional system as the timber is sourced from the woodland and processed into the finished product on site, which reduces the need for haulage. Pigs are both bred and reared on site rather than on separate holdings which requires less transport. The mushrooms are delivered in bulk which accounts for 20 vehicle journeys per annum. However, it is proposed that this figure will fall if the local box scheme takes all the mushroom, nuts and berries produced. Whilst the management plan does not contain traffic targets or details of how vehicle trip numbers would be monitored, a suitably worded condition can ensure that these are included within an annual report submitted to the Council, together with proposals for a reduction in traffic generation year on year.

***iv) Well integrated into the landscape with no adverse visual effects***

21. Two public right of way footpaths pass through the woodland, one of which passes alongside the appeal site. The temporary accommodation is currently located adjacent to one of these footpaths and is immediately apparent to anybody using it. However, the appeal site is further back from the footpath and occupies a lower and less prominent position at the foot of a hill partially screened by vegetation. As outlined above, it is intended to move the accommodation to the appeal site and at the Hearing the Council said that this would lessen its concern on the issue. The accommodation has been clad in timber which, in my view, helps to assimilate it into its surroundings. Consequently, when the accommodation is moved it will integrate into the landscape and have no adverse visual impact.

**Conclusion**

22. Accordingly, I find that that the proposal would comply with national guidance and with JUDP Policies 48 and 52, which make an exception to the normal strict control over development in the open countryside. It would also be consistent with the associated SPG. In reaching my conclusions I have had regard to the recent consultation draft of revisions to TAN 6. Whilst the weight that I can attach to this document is limited, I am mindful that encouragement of One Planet Development is an objective of this emerging guidance. Low impact development which makes a positive contribution in line with JUDP Policy 52, such as this, would promote this objective.

## Other Matters

23. Whilst not a reason for objection, the Council raised concerns that the management plan does not contain specific objectives and targets to support JUDP Policy 52 criteria vi) which requires that the proposal will provide sufficient livelihood for and substantially meet the needs of residents. The SPG says that 75% or more of basic household needs will be met by means of activities centred around the use of resources grown reared or occurring naturally on the site. It is expected that this will be achieved by year 3 of the project. Whilst the appellant's statement says that needs are currently being met, I shall impose a suitably worded condition requiring an annual report to be submitted to the Council. This shall include details of how household needs are being met and an annual target showing how an overall target of 75% within 3 years is being worked towards.
24. My attention has been drawn to another appeal decision in Pembrokeshire (Reference APP/N6845/A/09/2096728). However, having had due regard to the comments of the Inspector, I have determined this appeal on its own merits and by reference to the development plan. I have considered all the other matters raised, but I have not found anything of sufficient weight to alter my decision that the appeal should be allowed.

## Conditions

25. I have considered the suggested conditions having regard to the advice in Circular 35/95 *The Use of Conditions in Planning Permissions*. I have adjusted their wording where necessary in the interests of clarity. I shall impose conditions requiring removal of the development within 3 years as this is permission for temporary accommodation and an exception to the normal strict control of new development in the countryside. Conditions requiring adherence to the management plan and details of activities carried out are imposed for the same reason and to comply with JUDP Policy 52. Conditions regarding the siting and layout of the development are imposed to ensure that it complies with the submitted plans and that it will not have an unacceptable visual impact. Conditions related to an annual public education event and information board are imposed to ensure that activities provide wider public benefit in accordance with JUDP Policy 52.
26. Therefore planning permission is granted subject to the following conditions:
- 1) The use of the temporary accommodation for forestry workers shall cease and the development associated with this use shall be removed from the site within 3 years of the date of this planning permission.
  - 2) Within 6 months of the date of this planning permission, the temporary accommodation hereby approved shall be sited and laid out in accordance with the submitted plans.
  - 3) The use of the site hereby approved shall be carried out in accordance with the aims, objectives and methodology set out in the Management Plan, submitted with the planning application, unless otherwise agreed in writing by the local planning authority.
  - 4) No later than 31 December each year, commencing with the 31 December 2010, the occupiers shall submit to the local planning authority a written report giving details of the activities carried out during the previous 12 months in compliance with the submitted Management Plan. These details shall include the annual number of vehicle trips made to and from the site by the occupiers, targets for vehicle trip reduction and

how this will be monitored. The details shall also include a calculation of the percentage of household needs that will be met through land based activities and include annual targets, showing how the occupiers are working towards an overall target of at least 75% within 3 years of the date of this planning permission, and how this will be monitored.

- 5) No later than 31 May each year, commencing with the 31 May 2010, details of an annual public education event shall be submitted to and agreed in writing by the local planning authority. The annual event shall be carried out in accordance with the approved details.
- 6) Within 12 months of the date of this planning permission, details of a public information board to include its content, size and positioning shall be submitted to the local planning authority and agreed in writing. The information board shall be provided in accordance with the approved details.

*Rebecca Phillips*

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms J A Carr	Appellant
Mr A J Cutajar	Appellant's partner
Mr Anson Allen	Business and Sustainability Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Vicky Simpson	Pembrokeshire County Council
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INTERESTED PERSONS:

Mr Paul Wimbush  
Mr Robert Douglas  
Ms Jasmine Saville  
Ms Sue Hamley  
Mr Simon Dale  
Mr David Davies  
Mr Tony Wrench  
Ms Jane Faith  
Ms Diana Woods