
Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 18/05/16
Ymweliad â safle a wnaed ar 18/05/16

gan Alwyn B Nixon BSc(Hons) MRTPI
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 29.06.16

Appeal Decision

Hearing held on 18/05/16
Site visit made on 18/05/16

by Alwyn B Nixon BSc(Hons) MRTPI
an Inspector appointed by the Welsh Ministers
Date: 29.06.16

Appeal Ref: APP/M6825/A/15/3139036

Site address: Land at Rhiw Las, Abbey Road, Whitland, Carmarthenshire SA34 0LH

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 Dr Erica Thompson for Rhiw Las Limited against the decision of Carmarthenshire County Council.
- The application Ref W/31160, dated 20 October 2014, was refused by notice dated 8 October 2015.
- The development proposed is One Planet Development consisting of four zero carbon dwellings.

Decision

1. The appeal is allowed and planning permission is granted for One Planet Development consisting of four zero carbon dwellings on land at Rhiw Las, Abbey Road, Whitland, Carmarthenshire SA34 0LH in accordance with the terms of the application, Ref W/31160, dated 20 October 2014, and the plans submitted with it, subject to the conditions set out in the schedule attached to this decision.

Procedural matters

2. The submitted plans were subject to some amendment during the course of consideration by the Council. In particular, the design of the proposed dwelling on plot 3 was fundamentally altered and its siting also changed. My determination of the appeal is based on the same development details on which the Council made its decision, as confirmed by the parties at the Hearing.
 3. A statement of common ground between the appellant and the Council was agreed and submitted shortly before the Hearing. I have had regard to this in reaching my decision, subject to certain oral corrections made at the Hearing and the detailed discussion on matters such as conditions.
 4. At the Hearing it was confirmed that a draft section 106 agreement was in the course of finalisation, preventing severance of ownership of each of the proposed dwellings from the associated land within the application site in line with Welsh Government
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guidance on One Planet Development¹. After discussion, I agreed to allow a further period for the agreement to be completed and submitted for consideration; the executed document was received by the Inspectorate on 9 June 2016. The section 106 obligation is a material consideration on which I have placed significant weight in arriving at my decision.

5. At the Hearing an application for costs was made by Rhiw Las Ltd against Carmarthenshire County Council. This application is the subject of a separate Decision.

Main Issues

6. From all that I have seen, heard and read concerning this appeal, the main issues are whether the proposed development satisfies national planning policy requirements concerning One Planet Development proposals; and, bearing in mind its nature as a One Planet Development, whether the proposal's location is acceptable having regard to its distance from local facilities and the resulting implications for use of the roads leading to the site.

Reasons

One Planet Development

7. The development plan for the area is the Carmarthenshire Local Development Plan (LDP), adopted in December 2014. As the Council acknowledge, One Planet Development (OPD) is a very specific form of development which is identified in Welsh Government planning policy. It is defined in paragraph 9.3.11 of Planning Policy Wales (PPW) as development that through its low impact either enhances or does not significantly diminish environmental quality. The specific requirements for OPDs are that they should initially achieve an ecological footprint of 2.4 global hectares per person or less in terms of consumption and demonstrate clear potential to move towards 1.88 global hectares over time (the global average availability of resources in 2003). They should also be zero carbon in both construction and use.
8. PPW states² that OPDs may take a number of forms; they can either be single homes, co-operative communities or larger settlements. They may be located within or adjacent to existing settlements or be situated in the open countryside. PPW goes on to summarise the specific criteria against which land based OPDs in the open countryside should be judged. Sections 4.15-4.23 of Technical Advice Note (TAN) 6 *Planning for Sustainable Rural Communities* provides more detailed guidance on meeting these requirements, including the production of a detailed management plan covering the objectives and operational basis of the proposal, including a business and improvement plan; ecological footprint analysis and carbon analysis of the development; biodiversity and landscape assessment; community impact assessment; transport assessment and travel plan. The OPD element of TAN 6 is supported by *One Planet Development Practice Guidance*, published by Welsh Government in October 2012.
9. The LDP does not contain any policies specifically directed at OPD. However, it post-dates the emergence of OPD development policy at the national level and the publication of the policy guidance summarised above. The LDP is founded on principles

¹ TAN6 paragraph 4.23.1

² PPW paragraph 9.3.12

of promoting sustainable development, as set out in Chapter 5 of the Plan and reflected in its Strategic Policies SP1 and SP2. There is no suggestion on the Council's part that the OPD credentials of the proposal should be assessed on a different basis to that set out in national planning policy.

10. The Council agrees³ that the appeal proposal is compliant with TAN 6 OPD policy and guidance. I share that view. The proposal is supported by a detailed management plan which covers all of the matters identified in government guidance and provides a robust appraisal and assessment of the development as a whole and of the development and activities proposed on each of the four individual plots within the development. The management plan and development models for each plot draw on experience and expertise developed elsewhere, including the Lammas ODP in Pembrokeshire, and are supported by an independent professional appraisal.
11. Some parties have questioned the ability of a land area of around 21.5 acres to support and meet the essential needs of four households and the associated land based activities from which income would be derived. However, land-based OPD is very different to a typical modern lifestyle or standard agricultural practice. I am satisfied that the initial five year management plan satisfies the requirements of land based OPD in the countryside and is supported by robust financial appraisals of projected income and expenditure. Whilst there will always be an element of uncertainty inherent in such forecasts, especially where new ways of doing things are being explored, the management plan includes close monitoring requirements and includes exit provisions after five years should the ecological footprint objectives of OPD not be realised. There is no suggestion that the four dwellings do not meet the requirement of being zero carbon in construction and use.
12. Others have questioned whether the wood working activities proposed on plot 3 are sufficiently land based, and suggest that these might actually comprise an industrial use. However, I am satisfied, having regard to the nature of the wood working activities concerned and the fact that the material for this will be grown on and sourced from the land concerned, that this complies with OPD guidance concerning land based OPD developments. The view was also expressed that the OPD policy should not give rise to sporadic developments across rural Wales. However, there is no expression of a restriction on the consideration of OPD proposals in these terms within OPD policy. I have determined this proposal on its own planning merits, having regard to the applicable policy framework. I consider that the proposal details fully adhere to the principle of avoidance of visual or landscape harm and enhancement of the land where possible, which is integral to the OPD concept. The Council does not object to the proposal in these terms.
13. I conclude that the appeal proposal satisfies the requirements for land based OPD in the countryside as set out in national planning policy.

Accessibility of location and resulting transport and travel implications

14. Despite accepting that the appeal proposal complies with OPD policy requirements, the Council maintains that the location of the proposed development is unacceptably isolated in terms of its location relative to facilities and services and the standard of highways and transport links between the site and these other locations. In relation to these matters it says that there is conflict with LDP policies GP1, TR2 and TR3.

³ Statement of Common Ground section 6

15. The site lies around 3.5km/2.2 miles from the village of Llanboidy to the north and some 6km/3.5 miles from Whitland to the south. Whilst not a large settlement, Llanboidy has a range of facilities - village shop, post office, primary school, village hall, church and a public house. Whitland is a larger settlement with more facilities, including a primary and secondary school, railway station, access to bus routes, shops, local market, bank and post office.
16. OPD clearly involves an emphasis on reduction of travel by car and utilisation of more sustainable means of travel. However, land based OPD in the countryside entails a direct relationship and interdependence between the occupancy of a dwelling and the use of its associated land which reduces the need to travel elsewhere. Moreover, in line with OPD policy requirements, the management plan for the site includes a transport assessment and travel plan, which clearly articulates how travel to and from the site will be managed so as to assist in meeting the development's environmental objectives.
17. The transport assessment and travel plan submitted as part of the proposal includes provisions to encourage walking or cycling (including the use of electric bikes which make light work of hills), coordinating and combining deliveries to the site, making use of rail for journeys further afield and car sharing/combining trip purposes in a structured manner for such car journeys as are undertaken from the site. Journeys associated with the businesses on the site, including courses, open days and volunteers, are accounted for and are modest in number. Although the transport assessment does not factor in possible increases in the site's population (through increase in family size) or future trip movements comprising school runs I do not consider that this materially disturbs the robustness of the assessment. Such additional journeys are unlikely to be significant, given the emphasis on shared journeys and a coordinated approach between the site occupants. Notwithstanding this point, I conclude that the relevant essential criterion for OPD (that overall the development should achieve a significant reduction in transport impacts from all activities on site in comparison to the norm for such activities) is met.
18. Whilst the Council questions the sustainability of the site's location and the practicality of using more sustainable modes of transport, I am in no doubt, having regard to the length and nature of the routes from the site to Whitland and Llanboidy, that the transport assessment and travel plan is realistic and forms a reliable basis for considering the acceptability of the proposal in these terms. I consider that the distances are such that a significant proportion of individual journeys to these settlements could be undertaken by bicycle (particularly with the availability of electric bikes to assist with the hillier sections of the routes), where people are so minded.
19. The distances to Whitland and Llanboidy are also such that walking is also a feasible option. In addition to the route along Abbey Road a more direct pedestrian route to Whitland centre and rail station of about 5.5km/3.2 miles is available, avoiding much of Abbey Road. I do not consider that the Manual for Streets measure of 800m in relation to walkable neighbourhoods is a relevant or meaningful indicator of accessibility in the context of OPD in the countryside. Whilst walking clearly takes more time than other modes of travel, and may not always be a practical option when time is an issue, heavy items are being carried or the weather is bad, I see no reason why it should not figure in a proportion of journeys undertaken in connection with this development.
20. Whilst the Council maintains that the roads are unsuitable for use by pedestrians or cyclists, there is no substantive evidence to support this. The Highways Authority has

raised no objection to the proposal. Abbey Road is a typical and unexceptional country lane. Whilst it has some narrow places and bends where forward visibility is limited, and I recognise that the road will be used by agricultural vehicles as well as general traffic, I consider that traffic volumes would be light and traffic speeds relatively low. Absence of footways and street lights on such country lanes is normal and does not in my view weigh against the proposal. I observed no particular significant hazards on this route; nor has the Council drawn attention to any such specific hazard. The three photographs produced at Appendix 3 of the Council's statement do nothing to indicate that Abbey Road is not a viable route for use by pedestrians and cyclists; moreover, a more direct pedestrian route to Whitland exists which avoids much of Abbey Road. I note also that Abbey Road is identified by Sustrans as a local cycle route. I find no highway safety considerations that weigh against the proposed development.

21. Although the site is not directly served by a bus service this is not a pre-requisite for land based OPD. Set in the context of levels of access to public transport across rural Wales generally, the site is well connected in these terms having a rail station and a network of bus routes a little over 5km/3 miles away. Taking this alongside the range of local services and facilities available at Whitland and Llanboidy, I find no substance in the Council's contention that the appeal site is in an unacceptably isolated location for the form of development proposed.
22. As regards the LDP policies cited by the Council in support of its reasons for refusal, policy GP1 *Sustainability and High Quality Design* indicates general standards for development. Criterion m) of the policy seeks that development plays its part in providing an integrated network which promotes the interests of pedestrians, cyclist and public transport which ensures ease of access for all. However, this needs to be applied in a sensible manner to the type of development under consideration. Moreover, policy GP1 goes on to state that proposals will also be considered in the light of national policy. In this case, national policy for OPD sets specific requirements for land based OPD in the open countryside, in the form of a prescribed transport assessment and travel plan. The appellant has complied with this requirement and I am satisfied that the proposal is satisfactory in this respect. Taking into account the scale, nature and characteristics of the development concerned, I see no additional matters or measures within the ambit of GP1 criterion m) that the proposed development should be expected to address.
23. On the basis of the foregoing, therefore, I find no identifiable conflict with policy GP1, to the extent that it is relevant to the consideration of the appeal proposal.
24. Turning to LDP policy TR2 *Location of Development – Transport Considerations*, this policy is specifically directed at proposals which have a potential for significant trip generation (indicated in the plan as including residential, employment, retail and leisure). The plan also states that guidance in respect of the term "significant" is set out in Institute of Highways and Transportation guidance on Traffic Impact Assessment and TAN 18: *Transport*. I do not find anything in this guidance which remotely supports the Council's contention that the appeal proposal should be viewed as a significant trip generator in these terms; nor does the Council point to anything specific which supports its position. The estimated total number of journeys to and from the site by residents equates to an average of just four out and back trips per day. Even allowing for additional trips by non-residents, this proposal does not come remotely close to being a significant trip generating use. I conclude that LDP policy TR2 is simply not relevant to the determination of this proposal.

25. Although the Council points out that a Transport Assessment and Travel Plan has been prepared for the proposal, this is plainly because it is a particular requirement of the OPD guidance, not because the proposal is a significant trip generator. As already indicated, I find the proposal acceptable in this respect.
26. The Council considers that the proposal would also conflict with LDP policy TR3 *Highways in Development – Design Considerations*, in that the development fails to make suitable provision for access by public transport due to “its isolated location and absence of safe pedestrian routes along the local road network”. However, for the reasons set out above, I do not consider this to be an isolated location by any stretch of the imagination, viewed in the context of land based OPD; nor do I find an absence of safe pedestrian routes between the site and local centres where public transport might be accessed. To the extent that policy TR3 is relevant to the consideration of this proposal for 4 land based OPD dwellings in the open countryside I find no discernible conflict with its requirements.
27. Overall, therefore, I conclude on this issue that the development would be acceptably located as regards its accessibility to local facilities and the availability of alternatives for sustainable travel options, and that it accords with the provisions of the development plan, so far as material to the development concerned, in this respect.

Conditions and Agreements

28. I have considered the submitted section 106 obligation by way of unilateral undertaking and the conditions discussed at the Hearing. The unilateral undertaking binds the permitted dwellings to the land comprised in the OPD project, in line with the Welsh Government’s *One Planet Development Practice Guidance*, and is necessary along with conditions 3, 4 and 5 to ensure that the proposal operates in accordance with the OPD principles, management plan and monitoring arrangements on which the development relies for its acceptability in planning policy terms. Condition 6 is needed to ensure that the habitat protection and enhancement objectives of the development are met; condition 7 is needed to regulate the extent and duration of any temporary accommodation needed whilst the permitted dwellings are constructed, in order to avoid undue impacts on the countryside and ensure consistency with OPD principles. I consider that conditions 8-11 as imposed are sufficient to ensure that the access and parking requirements of the development are adequately met, in a manner which satisfies highway safety requirements whilst adhering to the “light footprint” ethos of the development. I do not consider that any other conditions are needed.

Other matters

29. I have considered all other matters raised. It is clear that there is some scepticism amongst local community representatives as to the feasibility of the proposals; also a concern that such development will fail to integrate with the wider community. However, I find that the proposals are supported by a detailed development programme which fully meets the specific requirements laid out in Welsh Government guidance for the consideration of land based OPD in the countryside. One Planet proposals by their nature involve a different and less conventional model for development and land use. Nonetheless, I consider that the proposals are founded on realistic analysis which draws on practice experience elsewhere of low environmental impact development. The management plan incorporates an exit strategy should the required environmental sustainability objectives not be realised in practice. From the management plan details it is clear that the land based activities proposed at the site will foster significant linkages with the wider community.

30. I am aware that some opponents of the proposal feel it unfair that development of this kind can be permitted in the countryside, whilst strict controls apply to the location of other housing. Ultimately, however, determination of the acceptability of this proposal rests on an objective consideration of its own planning merits, assessed in the context of the One Planet development policy forming part of the established planning policy framework in Wales together with any relevant local development plan policies.

Conclusion

31. For the reasons given above, and having regard to all matters raised, I allow the appeal and grant permission subject to the conditions which follow.

Alwyn B Nixon

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - PC01 Block plan
 - A3 1409/1 Rev A 1:1000 Outline plan – Plot 1 & 2 (except for the siting of plot 2 buildings, which is amended to the positions shown on PC01)
 - PB04 1409/2 1:1000 Outline plan – Plot 3 & 4
 - D1 Planning application drawings for Plot 1: Elevations, section, floor plans, glasshouse
 - D2 Planning application drawings for Plot 2: Elevations, floor plans, cow shed and barn
 - Document D6 Amended planning application drawings for Plot 3 – Tallviken 80 Main drawing 1 STD 11 dated 2011-06-28: Elevations, section and floor plan
 - D4 Planning application drawings for Plot 4: Elevations and floor plan
 - PB03 Ancillary structures Plot 2 polytunnel, Plot 3 polytunnel, Plot 4 polytunnel, Plot 4 barn/workshop and shed.
- 3) The use of the site hereby approved shall operate in accordance with the aims, objectives and methodology set out in the Rhiw Las One Planet Development Management Plan comprising submitted documents PA 02 Planning Application (October 2014), B1 Additional Business Plan Details and SMR02 Rhiw Las Management Plan: addendum (March 2016), including the phasing and monitoring requirements and exit strategy provisions should the One Planet Development objectives not be achieved.
- 4) The occupation of each dwelling shall be limited to the person(s) identified in the Rhiw Las One Planet Development Management Plan as undertaking the land-

- based activities within the plot associated with that dwelling and to any resident dependants. Each dwelling shall be the sole residence of its occupants.
- 5) Not later than 1 April of each year, commencing 1 April following the initial occupation of the first dwelling on the site, the occupiers of the site shall submit to the local planning authority an Annual Monitoring Report giving details of the activities carried out during the previous calendar year and setting out performance against the One Planet Development essential criteria for each plot and the site as a whole. Where the report identifies that adequate performance against any of the essential criteria has not been met, the report shall also set out corrective or mitigating measures sufficient to address the identified deficiencies in performance. These measures shall be implemented, in full and within the timescales stated, as set out in the report.
 - 6) Prior to the commencement of any works associated with the development (including site vegetation clearance, excavation, access by heavy machinery or storage of materials on site) a Habitat Management, Monitoring and Enhancement Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be in compliance with the recommendations contained within section 4 of the Extended Phase 1 Survey Report by Biodiversity Solutions dated 23 October 2013, the Protected Species Assessment by Biodiversity Solutions dated 27 January 2015 and the recommendations within the NRW letter received by the local planning authority dated 19 March 2015. The Scheme shall be implemented in accordance with the approved details.
 - 7) Details of the design and location of any temporary accommodation associated with the construction of each dwelling shall be submitted to and approved by the local planning authority before being brought on to the site. Any temporary accommodation so approved shall be removed from the site on first occupation of the dwelling with which it is associated.
 - 8) Before the construction of any dwelling on the site commences, the alterations to the vehicular access to the site shall be laid out, constructed and surfaced in accordance with details which shall first be submitted to and approved in writing by the local planning authority. The access layout shall incorporate clear visibility splays of 2.4metres x 43 metres in both directions from the centre line of the new access point. The access and associated visibility splays shall thereafter be retained in the approved form.
 - 9) Any access gates shall be set back a minimum of 6 metres from the carriageway edge, and shall open inwards into the site only.
 - 10) Prior to the first residential occupation of any plot within the site (whether by way of occupation of any permitted dwelling or occupation of any temporary accommodation), 1 parking space per plot shall be made available within the curtilage of the site and thereafter kept available for parking purposes.
 - 11) Prior to first occupation of any of the dwellings hereby permitted, additional parking and turning facilities shall be provided sufficient to cater for the overall use of the site as detailed in the Rhiw Las One Planet Development Management Plan, in accordance with details which shall first be submitted to and agreed in writing by the local planning authority. The parking and turning facilities shall thereafter be kept available for their intended use at all times.

[End of conditions]

APPEARANCES

FOR THE APPELLANT:

Dr Simon Ruston MRTPI	Ruston Planning - Agent for the appellant
James Shorten BSc MSc	Geo & Co Ltd
Dr Erica Thompson	Appellant and prospective occupier of Plot 1
Dr Chris Vernon	Prospective occupier of Plot 1
Peni Ediker	Prospective occupier of Plot 3

FOR THE LOCAL PLANNING AUTHORITY:

Richard Jones BSc DipTP MRTPI	Development Management Officer Carmarthenshire County Council
Cllr Roy Llewellyn	Local Ward Member, Carmarthenshire C C

INTERESTED PERSONS:

Lyn Davies	Llanboidy Community Council
Tao Paul Wimbush	Co-founder, Lammas Eco-village
Stefan Cartwright	Supporter of proposal
Carolyn Crockett	Supporter of proposal

ADDITIONAL DOCUMENTS SUBMITTED AT THE HEARING

- 1 Signed Statement of Common Ground between Appellant and Local Planning Authority
- 2 Map showing alternative routes from Rhiw Las to Whitland Station, submitted by the Appellant
- 3 Local Planning Authority's response to Appellant's costs application