



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 23/10/12
Ymweliad â safle a wnaed ar 26/10/12

gan **A D Poulter BA BArch RIBA**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19/12/12

Appeal Decision

Hearing held on 23/10/12
Site visit made on 26/10/12

by **A D Poulter BA BArch RIBA**

an Inspector appointed by the Welsh Ministers

Date: 19/12/12

Appeal Ref: APP/D6820/A/12/2179373

Site address: Corner Wood. Llechryd, Cardigan SA43 2LQ.

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 Ms Melanie Robinson against the decision of Ceredigion County Council.
- The application Ref A120169, dated 21 February 2012, was refused by notice dated 16 April 2012.
- The development proposed is: 5 year temporary change of use of existing storage shed to mixed use as live work unit (retrospective); erection of green wood working workshop live work unit (retrospective); creation of low impact straw bale dwelling house; erection of open-sided woodland class room; erection of compost toilet (retrospective); - all under One Planet Development TAN6.

Procedural Matter

1. A S106 Unilateral Undertaking (UU) has been submitted in relation to this appeal¹. In summary, the effect of the obligations would be to tie the occupation of the land to residents working or last working on the site, and their dependants, to commit residents to a low impact lifestyle in accordance with a Mission Statement set out in a Masterplan, to ensure that the proposed dwellings would be sole residences, and to maintain the unity of the proposed dwellings and buildings and the land. On the evidence before me the Obligations would be enforceable. The submitted UU is necessary, relevant to planning, directly related to the proposed development, would be fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects. It therefore meets the tests of the Community Infrastructure Levy regulations, and those set out in Welsh Office Circular 13/97: *Planning Obligations* and paragraph 3.7.2 of *Planning Policy Wales* (Edition 5, November 2012)(PPW). It is therefore a consideration to which I have given weight in the determination of this appeal.

Decision

2. I dismiss the Appeal

¹ Signed and dated 22 October 2012

Main Issue

3. This is whether it has been conclusively shown that the proposed development would provide for the basic needs of the families concerned, having particular regard to national planning policy and guidance relating to housing, and One Planet Development.

Reasons

4. The appeal relates to a parcel of approximately 5.9 Hectares of woodland. It was once planted with conifers (Western Hemlock), but now contains a mix of some semi-mature native trees, areas of naturally regenerating and native woodland, and some remaining and self-seeded conifers.
5. The proposed development would comprise an integrated proposal for a sustainable woodland project, to create a land-based enterprise and homes for two families in accordance with One Planet Development principles. One family would live temporarily in an existing steel-framed workshop building. This would become a temporary live/work unit for a period of up to 5 years whilst a permanent straw bale house is built. The second family would live in a second roundwood-framed workshop building. This is described in the Design and Access Statement (DAS) that accompanied the application as a temporary dwelling, but as no replacement is proposed it would in effect become a permanent live/work unit. In accordance with a Management Plan prepared to support the application, the families' livelihoods would be based on traditional woodland produce, harvested in a manner that would enhance biodiversity, using permaculture principles. The families would live a low-impact lifestyle, with the aim to achieve a very low ecological footprint.
6. There is no dispute that the proposed development would conflict with Policies within the adopted *Ceredigion Unitary Development Plan (UDP)* relating to new residential development in the countryside. However, it is agreed that national planning policies and guidance are a material consideration that should be taken into account. The relevant policies and guidance are set out in Chapter 9 of *Planning Policy Wales* (Edition 5, November 2012), Technical Advice Note (TAN) 6: *Planning for Sustainable Rural Communities*, and the associated *One Planet Development Practice Guidance* (October 2012) (OPD Practice Guidance). The representations were made and the hearing was held before Edition 5 of PPW was published in November 2012. However, the revisions made in Edition 5 were largely anticipated by the parties and do not affect my consideration of the issues. The hearing was held just a few days after the OPD Practice Guidance was published, but the main parties had been able to read and consider it before the hearing, and agreed that there was no need for an adjournment.

Proposed Houses

7. The existing steel-framed workshop building which is proposed to provide a home for up to 5 years for one family has little insulation and no indoor sanitation. The plans for its improvement and internal layout during the period that it would be used as live/work accommodation are sketchy, but at the site inspection it was made clear that sanitation would be provided by compost toilets some distance from the building. Washing and bathing would also be an outdoor activity, in an open outdoor bathing area heated by wood fires. Basic kitchen facilities would be provided within the building. Cooking would be done on a wood stove which would also provide heating. In accordance with the Design and Access Statement (DAS) submitted with the application the building would be off-grid, with photovoltaic panels providing power for

low energy lighting and small domestic appliances. The site has a borehole, which would provide water for washing, drinking and irrigation.

8. The existing roundwood-framed workshop building has some insulation. However, it has limited eaves height. Residential accommodation would be on upper floors which have unguarded changes of level and are accessed by steep wooden stairs. Again, the proposed plans for improvements and modifications to the internal layout are unclear, but as the residential accommodation would be within the roof space much of the space available would have limited head room. It was again confirmed that sanitation would be provided by compost toilets some distance from the building and washing and bathing would be an outdoor activity. The proposed plans do not include an indoor kitchen, though the DAS indicates that a wood burning stove would provide for heating and cooking.
9. The proposed permanent straw bale house would be a small (6.0m x 5.5m) single-storey structure, elevated on low stilts, with a large eaves overhang. It would comprise a single space, with a central wood burning stove. It would be highly insulated and orientated to benefit from solar gain. However, there would be no division between living and bedroom spaces, and no internal bathroom or sanitary facilities.
10. The proposed dwellings would have to comply with building regulations. The many matters covered by this other legislation can therefore be left for consideration by other application processes. Nevertheless, the design and quality of development in general, and housing development in particular, are matters for the planning system. In this instance in all the proposed dwellings the proposed reliance on external sanitary and bathing facilities would mean that residents would at times be exposed to excessive cold, and the provision of facilities for personal hygiene would be inadequate by any reasonable standards. The existing roundwood-framed workshop building would not in my view provide adequate space for living and sleeping for a family, as well as workshop space. The proposed straw bale house would also provide inadequate living and sleeping space for a family, and being a single undivided space, would provide inadequate privacy, particularly as adults and children would live and sleep in the same space. It has not been shown that there would be adequate provision for the storage and preparation of food. I therefore do not consider that the proposed accommodation would meet even basic habitable standards.
11. In accordance with national planning policy and guidance, to meet the essential characteristics of One Planet Development residents may have to live quite differently (much more sustainably) than is the norm in the 21st century². However, this does not mean that poor quality homes are acceptable. As advised at paragraph 9.1.1 of PPW, a home is a vital part of people's lives; it affects their health and well-being and their quality of life. Whilst a home within a One Planet Development may be highly unconventional, for the reasons above, I do not consider that the appeal proposal would result in good quality homes that would provide adequate facilities for the health and well being of occupants.

² OPD Practice Guidance, paragraph 1.10

Minimum Needs in Terms of Income, Food and Energy

12. I have considered these in accordance with the Corner Wood Business Plan contained within the Management Plan, and updated forecasts within the appellant's Hearing Statement.
13. The OPD guidance recognises that it is not feasible for all the food needs of the occupants to be produced on sites in Wales, but expects that realistically an OPD site should be able to produce at least 65% of basic food needs, either grown or reared on the site, or purchased or bartered using income or surplus from other produce grown or reared on the site (such as timber or biomass, or a surplus of particular products)³. The families concerned currently grow about 30% of their food needs on two allotments remote from the site. It is envisaged that over time they would grow about 50% of their food needs on site. The balance would be met by purchasing or bartering food, using income derived from the sale of products such as rustic furniture, sticks poles and stakes, pole lathe products, and other products made from wood grown on site. Income streams from activities such as training and education courses would be subsidiary. In these respects the proposal meets fundamental land-based and subsistence ethos of One Planet Development and the essential criteria set out a paragraph 3.31 of the OPD Practice Guidance.
14. However, there is no dispute that the soils within the site would require improvement to grow good crops. I saw that an area of recent re-growth, containing few large trees, could be cleared to provide a glade within which to make a vegetable garden. Other fruit and vegetables more tolerant of woodland shade could be grown in orchards elsewhere within the site. The site is clearly capable of generating large amounts of leaf-mould, wood ash, and other vegetable matter to improve the soil. Nevertheless, in view of the past record and the present poor soil conditions it seems optimistic to expect that 50% of both families' food needs can be grown on this woodland site within a reasonable period of 5 years or so. Furthermore, the business plan is highly dependant on the sale of woodland products at country fairs and the like. It is therefore vulnerable to changes in the market and the ability to get to those fairs, and lacks the robustness of plans based on a wider variety of products and markets.
15. For 2015 – 2016, the updated forecasts project a surplus income over expenditure (land based income) of about £12,716 per annum. Needs met directly from the site (land based produce) are projected to be worth £5,762. The total land-based productivity would therefore be £18,478. Total household needs for the two families for same period are projected to be £15,977. In accordance with projections the household needs would therefore be met from land-based enterprises, with a small surplus. However, as I have remarked above estimates of food production may be optimistic, and as the business plan lacks robustness the projected income is vulnerable to changes outside the appellant's control. There would be little or no margin for contingencies or unexpected costs. On balance I do not consider that it has been convincingly demonstrated that the proposed development would provide for the minimum needs of the inhabitants over a reasonable length of time.

³ OPD Practice Guidance, paragraph 3.25

Overall Conclusions

16. I have no doubt that both families are passionate about the project. They have demonstrated a commitment to living sustainably, with a very low environmental footprint, and to husband the land in a way that would enhance its biodiversity and beauty. They have learned skills in woodland management and making forestry products which would be passed on to others through courses and open days. They have prepared a complex Master Plan covering all of the required areas, and have put forward planning obligations and conditions to provide control over the activities comprised in the application. Many of the requirements of national planning policy and guidance relating to One Planet Development have therefore been met. The project has attracted some local opposition, but also much support from persons who recognise the value of such projects and the sincerity of the appellant's proposal.
17. However I have concluded above that the appeal proposal would not result in good quality homes that would provide adequate facilities for the health and well being of occupants. I consider that the proposal is fundamentally flawed in this respect, and that the proposed development would conflict with the objectives of national planning policy with regard to housing set out at Paragraph 9.1.1 of PPW. I have also concluded that it has not been convincingly demonstrated that the proposed development would provide for the minimum needs of the inhabitants over a reasonable length of time. This conclusion adds weight to my conclusion with regard to the quality of the proposed dwellings.
18. On balance, I do not consider that it has conclusively shown that the proposed development would provide for the basic needs of the families concerned, including the need for well designed homes that would provide a satisfactory quality of life. I conclude that the proposed development would conflict with national planning policies and guidance relating to housing and One Planet Development. National planning policy is therefore not a consideration that would indicate that the appeal should be determined other than in accordance with adopted policies set out in the UDP.
19. As the proposed development would be an integrated proposal for a sustainable land-based enterprise and homes for two families it would not sit easily with general policies to control new housing development in the countryside. I therefore do not consider that the proposed development, if permitted, would undermine the deliverability of the emerging Ceredigion Local Development Plan Strategy. Consequently, the Council's concerns in this regard have not influenced my decision. Representations have been made in relation to the terms of the lease, and the activities it would allow. These are, however, legal rather than planning matters, and again they have not influenced my decision.
20. Nevertheless, I conclude that the proposed development would conflict with the development plan and national planning policy and guidance. I have taken into account all other material considerations that have been raised, but find nothing that would indicate that the appeal should be determined other than in accordance with the those policies. I conclude that the appeal should be dismissed.

*A D Poulter***INSPECTOR**

APPEARANCES

FOR THE APPELLANT:

Ms M Robinson	Corner Wood
Mr J Clarke	“
Ms Tracey Style	“
Mr I Critchley	“
Mr P Wimbush	Lammas / Tir y Gafel

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Duggan	Ceredigion County Council
Ms Rees	“
Mr S Williams	“

DOCUMENTS

- 1 Copy of the Unilateral Undertaking, dated 22 October 2012
- 2 Copy of letter dated 24 September 2012, from Mr A Murray
- 3 Bundle of letters of support