



Penderfyniad ar Apêl

Gwrandawriad a gynhaliwyd ar 18/09/13
Ymweliad safle a wnaed ar 19/09/13

gan Emyr Jones BSc(Hons) CEng
MICE MCMI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07/11/13

Appeal Decision

Hearing held on 18/09/13
Site visit made on 19/09/13

by Emyr Jones BSc(Hons) CEng MICE
MCMI

an Inspector appointed by the Welsh Ministers

Date: 07/11/13

Appeal Ref: APP/D6820/A/13/2197634

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 failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Melanie Robinson & Ian Critchley against Ceredigion County Council.
 - The application Ref A130164 is dated 19 February 2013.
 - The development proposed is 2 dwelling houses, one green woodworking workshop, one outdoor classroom and one poly-tunnel as part of an integrated woodland base sustainable project under the one planet development policy.
-

Decision

1. The appeal is dismissed and planning permission for 2 dwelling houses, one green woodworking workshop, one outdoor classroom and one poly-tunnel as part of an integrated woodland base sustainable project under the one planet development policy is refused.

Procedural matters

2. As one dwelling and the green woodworking workshop are already present on site, I will consider the appeal as having been partly made under the provisions of section 73A of the *Town and Country Planning Act 1990* which relates to planning permission for development already carried out.
3. The appellants were given a 2 week period after the date of the Hearing to submit a revised Section 106 Unilateral Undertaking in response to the Council's criticism of the one originally submitted. However, after taking legal advice they chose not to and responded to the criticisms raised instead.

Main Issue

4. I consider the main issue in this case to be whether the proposal satisfies national planning policy requirements in respect of One Planet Developments.

Reasons

5. The *Ceredigion Local Development Plan* (LDP) notes that no policies have been included for One Planet Developments as they are adequately covered by national guidance.

6. *Planning Policy Wales* (PPW) defines One Planet Development as development that through its low impact either enhances or does not significantly diminish environmental quality. *Technical Advice Note 6: Planning for Sustainable Rural Communities* (TAN 6) requires planning applications for land based One Planet Developments located in the open countryside to be accompanied by a management plan covering various areas which are addressed in the following sub-sections. *One Planet Development Practice Guidance* is a companion to TAN 6 covering all the requirements for a planning application for One Planet Development.

Business and improvement plan

7. TAN 6 requires that how the inhabitants' requirements in terms of income, food, energy and waste assimilation can be obtained directly from the site be quantified. The land use activities proposed must be capable of supporting the needs of the occupants, even on a low income or subsistence basis, within a reasonable time (no more than 5 years).
8. 2012 data shows that the combined income needs of the two families living on site was £10,186. Land based income for 2012–13 generated a profit of £6,893 and this would not have been sufficient to meet the combined income need for this period with the families having already been living on site since 2009 and 2010.
9. The need projections for 2016–17 are significantly less than the above, but this is largely on the assumption that some of the children will have left home by then which is not something that can be guaranteed and even if some were to leave they could well remain financially dependant on their parents in part at least. Furthermore, only one family pays Council tax at the moment and if the appeal was allowed there would be a requirement for a further £700 on the above figure and the projections include no provision for capital replacement costs. Whilst the projections allow for an anticipated reduction in purchased foodstuffs due to increased on-site production, no robust analysis to demonstrate the likelihood of such an increase was submitted.
10. The projected income for 2017–18 is £20,128, but again no detailed breakdown is provided in terms of yield/number of units to be produced and production costs. A number of existing aspects show considerable increases from 2012–13. Whilst some of these derive from reviewing the prices charged, I cannot see how those relating to increased output could be realised if the 2012–13 figure are based on full utilisation of available hours.
11. Furthermore, most of the income derives from woodland produce and given the constraints suggested by Natural Resources Wales and emanating from the Management Plan and the areas cleared for hardstandings, structures, planting areas etc. it is not clear that the site could sustain such production levels in the long term. In addition, £3,864 comes from garden produce and shiitake mushrooms. The mushrooms are a new venture with achieving premium prices being dependant on producing a top quality product and the anticipated yield may be somewhat overestimated.
12. The Practice Guidance requires the site to produce at least 65% of basic food needs. A minimum of 30% should be grown and/or reared on the site whilst the remainder can be purchased or bartered using the income or surplus produce from other produce grown and/or reared on the site. 2012 data shows that between them the two families spent £6,407 on food and consumed a further £2,872's worth of food produced on site. On this basis they produced just under a third of their requirements from the site in 2012.

13. Whilst this is projected to increase to close to a half in 5 years time, no substantive data relating to cropping area, anticipated yields and individual consumption and nutritional requirements are provided. The Inspector who determined a previous appeal relating to this site (Ref: APP/D6820/A/12/2179373) noted that it was optimistic to expect that 50% of both families' food needs could be grown on this woodland site within a reasonable period of 5 years or so.
14. Notwithstanding, the importation of compost material to form raised beds, in view of the poor soil conditions, shading effect of the trees and area that could be made available for food production without further removal of tree cover I share the above view. The appellants state that the gift economy forms an intrinsic part of their activities and this extends to food. Whilst the Practice Guidance acknowledges the role of bartering, it makes no mention of gifts and such donations cannot be relied upon to provide a firm basis for future planning.
15. All domestic electrical needs would be met by photovoltaic panels. The majority of the cooking would take place on wood burning ranges, but this would be supplemented with gas cylinder stoves. A generator which is run on vegetable oil is used to pump water from a borehole and petrol is used to power chainsaws and brush-cutters. The Practice Guidance notes that the use of small amounts of non-renewable fuels can be acceptable where it is justified by need and suitability with the use of bottled gas for cooking in the warmer months and machinery for specific woodland management and processing tasks being specific examples. Although the generation of electricity from non-renewable fuels is not acceptable, alternative means of pumping water from the well could be secured.
16. Grey water would be filtered through grease and straw traps and a reed bed system whilst human waste would be composted. The Council acknowledged that waste assimilation was not a huge concern and I am satisfied that the subject could be adequately addressed through appropriate conditions.
17. For the above reasons, I am not satisfied on a balance of probability that the inhabitants' requirements in terms of income and food (65%) can be obtained directly from the site. According to the Practice Guidance, that One Planet Developments in the open countryside can support the minimum food and income needs of the occupants is the main reason that justifies, in planning terms, such developments.

Ecological footprint analysis

18. PPW requires One Planet Development to initially achieve an ecological footprint of 2.4 global hectares per person or less in terms of consumption and demonstrate a clear potential to move to 1.88 global hectares over time. An Ecological Footprint Report submitted with the application concludes that the impact of both families' current activities produced an average ecological footprint of 2.22 global hectares per person, with the potential for a further reduction to 1.93 global hectares in the short to medium term with a +/- 15% sensitivity.
19. However, due to the lack of accurate records some of the data input was estimated and the Practice Guidance refers to the need for clear record keeping. In any event, this does not demonstrate a clear potential to move to 1.88 global hectares over time. Nevertheless, inputting 2012 data into the Welsh Government's Ecological Footprint Analysis calculator appears to show that one family achieved 1.53 global hectares expected to reduce to 1.23 global hectares in 5 years and the other achieved 1.96 global hectares expected to reduce to 0.95 global hectares in 5 years.

20. The above relates to the domestic and subsistence activities of residents but the Practice Guidance also refers to separate consideration of the impact on the footprints of others whilst recognising that these impacts cannot be quantified in the same manner. Given my findings under the Transport assessment and travel plan sub-heading, I conclude that there is no meaningful consideration of the impact on the footprints of others.

Zero carbon analysis

21. One Planet Developments should be zero carbon in construction and use. The Practice Guidance acknowledges that this does not mean that the development should literally have no net carbon impacts as this is very hard, if not impossible. A Code for Sustainable Homes Materials Report gives both homes maximum credits in respect of the specification of materials and sourcing of finishing materials. In respect of sourcing of structural materials it gives one dwelling 3 credits and the other 4 credits out of a possible 6, but if timber, clay and straw were acknowledged as sustainable and awarded the relevant points, then the 80% requirement for the responsible sourcing of materials would be met.
22. Insofar as zero carbon in use is concerned the Practice Guidance notes that a definition will be published by the Welsh Government but as yet this has not been done. The Ecological Footprint Report calculates that the proposal would have a carbon footprint of 6.83 tonnes per capita and the appellants note that the 5.9 hectares of woodland could be sequestering between 3 and 11 tonnes of carbon per hectare per year. On the basis of 7 residents, the sequestering rate would need to be towards the top end of the above rate to result in zero carbon overall. On the basis of the available information, I am not reasonably satisfied that the requirements in respect of zero carbon in use would be met.

Biodiversity and landscape assessment

23. TAN 6 requires a baseline assessment of biodiversity and landscape character and a management plan and this is expanded upon in the Practice Guidance. The assessment submitted is deficient in a number of respects. It makes no more than a passing reference to Sites of Special Scientific Interest and Special Areas of Conservation in the area and makes no mention whatsoever of the Local Biodiversity Action Plans, LANDMAP information or registered parks and gardens in the vicinity. Insofar as LANDMAP is concerned it should be noted that the area is evaluated as outstanding under the habitats layer and high under the visual and sensory layer. Furthermore, although various bird, mammal and flora species observed are listed this falls well short of the level of detail expected in a Phase 1 Habitat Survey and the impact of human presence on the site's biodiversity has not been properly assessed.

Community impact assessment

24. Although surveys and questionnaires could be useful in preparing a community impact assessment, they are not referred to in the Practice Guidance. What is important is that the potential impacts on the host community (both positive and negative) and any mitigation measures necessary are identified. In my opinion, the assessment carried out is adequate.

Transport assessment and travel plan

25. The Council is of the view that the information submitted is very light on detail, lacks professional rigour and the Practice Guidance has not been followed whilst the appellants note that they used the Council's pro-forma and supplied additional

information. Be that as it may, other than school and workshop visits, no information is provided as to the number of trips envisaged to be generated by residents, enterprises on site and visitors using different transport modes. This information is essential to enable an evaluation of the transport impacts of the proposals to be made and, given that the site is off a minor road approximately 1 mile from the main road and public transport route this is of particular concern.

Planning obligation

26. The Section 106 Unilateral Undertaking ties the occupation of the dwellings to those solely or mainly working or last working on the site in horticulture / permaculture / forestry / woodcraft and associated activities and any resident dependants. It also requires all adult residents to live a low-impact lifestyle, the dwellings to be their sole residences and for the site to be maintained as a single entity.
27. The Undertaking reflects that submitted in the previous case (Ref: APP/D6820/A/12/2179373) when the Inspector, on the basis of the evidence before him, noted that it would be enforceable. Whilst I note the Council's concern as to the freeholder not being a party to the undertaking, it would appear that similar concerns were raised on the previous occasion and I have no additional evidence that would enable me to conclude that it would not be enforceable. My colleague concluded that the Undertaking met the tests of the *Community Infrastructure Levy Regulations* and Circular 13/97 on *Planning Obligations* and determined that it was a consideration to which he gave weight in the determination of that appeal. I see no reason not to do likewise in this case.

Overall conclusion

28. I appreciate that providing sufficient information to satisfy the requirements in respect of One Planet Developments, as set out in national advice and guidance, requires considerable time and resources. Nevertheless, such development represents an exception to the general constraint on residential and other development in open countryside and should not be permitted unless these requirements are met. For the reasons given above, the proposal does not satisfy a number of them and I have grave reservations as to the site's suitability for a One Planet Development.
29. As a result, it must be considered against LDP policies relating to residential development in 'Linked Settlements and Other Locations'. It does not relate to a rural enterprise dwelling in line with TAN 6. Furthermore, there is no evidence that it is required to meet a demonstrated unmet affordable housing need in the locality and it is not located immediately adjacent to existing groups of dwellings. I, therefore, conclude that the proposal represents an unwarranted visual intrusion which would be harmful to the character and appearance of the Teify Valley Special Landscape Area and it conflicts with LDP policies SO1, SO4, DM06 and DM18.
30. For the reasons given above I conclude that the appeal should be dismissed.

E Jones

Inspector

APPEARANCES

FOR THE APPELLANTS:

Mr P Wimbush	Tir y Gafel
Miss M Robinson	Corner Wood
Mr J Clarke	Corner Wood
Mr I Critchley	Corner Wood
Ms T Styles	Corner Wood
Mr J Abrahams	Permaculture consultant
Mr S Dale	Building design consultant

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Duggan	Ceredigion County Council
Ms R Rhys	Ceredigion County Council
Mr I D Williams	Reading Agricultural Consultants Ltd.

INTERESTED PERSONS:

Mr C Grant	Local resident
------------	----------------

DOCUMENTS

- 1 Council's Notification of Hearing and list of those notified
- 2 LDP policies DM06 & DM18
- 3 Appeal Decision APP/L9503/A/12/2184276
- 4 Appellants' Ecological Footprint Calculator sheets
- 5 Council's comments on Unilateral Undertaking
- 6a-b Photographs submitted by appellants
- 7 Appellants' income stream analysis