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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/04/21

gan R Duggan, BSc (Hons) DipTP  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 10/5/21

## Appeal Decision

Site visit made on 19/04/21

by R Duggan, BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers  
Date: 10<sup>th</sup> May 2021

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**Appeal Ref: APP/T6850/A/21/3268965**

**Site address: Cremation Burial Ground, Out of Eden, Newchapel, Llanidloes, SY18 6LH**

**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 Kevin Blockley of Cambrian Archaeology Projects Ltd. against the decision of Powys County Council.
  - The application Ref: 20/0249/FUL dated 27 January 2020, was refused by notice dated 10 December 2020.
  - The development proposed is described as construction of Neolithic style passage tomb and covering mound for the interment of human cremations, change of use of that part of the field to burial ground.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the impact of the development on highway safety.

### Reasons

3. The appeal site currently comprises agricultural land located in an isolated position within open countryside as designated by the Adopted Powys County Council Local Development Plan (LDP) April 2018. It is proposed to create a Neolithic Passage Tomb for the storage of human cremations in pottery urns and the burial of ashes would also be undertaken around the perimeter of the mound behind the kerb stones. The proposed tomb is circular in shape and would measure approximately 14 metres in diameter and 4 metres in height surrounded by a 2 metre wide ditch with curb stones around the perimeter. It would be covered in mounded earth which is to be grassed over and given back to grazing.
  4. Access to the site would be gained via the C2194/U2776 junction with direct access into the site via the U2776, which also provides access to Ty-Llo farmhouse and farm buildings (known locally and on maps as Pen-y-Bank) and an associated dwelling, and a further three dwellings within separate ownership. I saw that the U2776 is a narrow single lane highway with no formal passing spaces along its length up to the appeal
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site. Indeed, during my site visit between 8:15am – 9:00am whilst only a snap shot in time, I encountered three separate vehicles on my way from Newchapel Church up to the appeal site and was forced to reverse a long way to enable vehicles to pass each other. I also saw a relatively high number of vehicles using the junction adjacent to Newchapel Church travelling in all directions, but especially towards and from Woodland View caravan site.

5. No detailed Traffic Impact Report has been provided by the Appellant which provides a detailed and robust assessment of the proposals, including the likely vehicular movements associated with each interment throughout the year and the impact of the activity on the surrounding road network. However, the Appellant has submitted a summary of discussions undertaken with the operators of similar facilities elsewhere<sup>1</sup> and indicates that it would be expected that the appeal site would generate around 3 depositions per annum with 1 or 2 cars for each. I have also noted the information provided by a number of interested parties who have first-hand experience of burial tombs or other urn deposition sites. However, I have not been provided with any information relating to the planning applications for these other examples or any planning conditions which may be attached to the planning consents. Whilst there will be similarities between such facilities, there will inevitably be significant differences in the local context, including the ability of the local highway network to cope with the vehicular movements generated and the popularity and particular use of such facilities throughout the year. Therefore, the impact on the local highway network will be different in each case.
6. Whilst I have had regard to the anticipated vehicular movements figures provided by the Appellant, they are best estimates and not sufficiently detailed or robust enough to allow me to make an informed judgement on the appeal proposals. Very little further information has been provided regarding the vehicular movements associated with those persons who would be leading the funeral/interment services, or the Appellant himself when visiting the site, other than coinciding with visits to check his livestock. I also share the Council's concerns that the Appellant's figures do not take into account the possibility of larger groups of mourners attending an individual interment as this cannot be controlled by planning condition or the Appellant. In addition, the Appellant states that the tomb will be kept locked between the interment of cremations and access will be allowed only to those who have placed ashes in the tomb, and on special open days to publicise the project. However, no further details have been provided regarding the special open days and what this entails in terms of anticipated visitor numbers and associated vehicular movements to and from the site.
7. I also note that the land benefits from planning permission for the erection of five holiday chalets, alterations to vehicular access, construction of parking area and installation of wind turbine<sup>2</sup> which includes a parking area and two passing spaces along the U2776. I saw that an area of hardstanding has been created but the consented car park and entrance have not been formally laid out and constructed and the passing bays along the highway have not been created. Notwithstanding the Appellant's agreement to provide additional car parking for the appeal proposals, the car park lies outside the current appeal site boundary and does not form part of the development before me.
8. Given the level of detail provided and based on all I have seen and read, I consider that the increase in vehicular movements as a result of the development, over and

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<sup>1</sup> All Cannings, Wiltshire; Mid England Long barrow; site in Abermule

<sup>2</sup> Planning application ref: P/2009/1246

above those vehicles currently using the road and those expected with the consented chalet scheme, would be likely to lead to increased amounts of unsafe vehicular manoeuvres along the local highway network and associated junctions. Given the increased number of vehicles, it is likely that they would be forced to undertake difficult manoeuvres by slowing, stopping and possibly attempting to turn off the highway in reverse gear. This would be detrimental to the free flow of traffic along the highway, and reversing within the narrow highway, a situation where the driver's visibility would be limited, would be hazardous to existing and future road users.

9. Further, I have not been provided with any details of visibility splays at the junction of the C2194/U2776 which indicate that sufficient sightlines could be achieved. As this junction has the potential to be busy when the adjacent church is used for Sunday services and funerals, and during the holiday period when visitors are staying at Woodland View caravan site, I consider that the additional traffic arising from the proposed development could cause further difficulties at this junction.
10. Having regard to the above and considered all other matters raised by the Appellant in support of the proposals, including the many letters of support for the proposed development, I conclude that it would be detrimental to highway safety contrary to Policies T1 and DM13 of the LDP, and the appeal should be dismissed.
11. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of building healthier communities and better environments.

*R Duggan*

INSPECTOR