



Appeal Decision

by I Stevens BA (Hons) MCD MBA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 28/11/2023

Appeal reference: CAS-02711-B6G1P8

Site address: Fir View Tan y Ffridd Caravan Park, Llangyniew, Welshpool, SY21 OLT

- 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 Sheehan Holdings Ltd against the decision of Powys County Council.
 - The application Ref 22/1342/FUL, dated 6 August 2022, was refused by notice dated 27 March 2023.
 - The development proposed is change of use of land to static caravan park, including the installation of 20 static caravans, creation of internal road layout and landscaping.
 - A site visit was made on 24 October 2023.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to static caravan park, including the installation of 20 static caravans, creation of internal road layout and landscaping at Fir View Tan y Ffridd Caravan Park, Llangyniew, Welshpool, SY21 OLT, in accordance with the terms of the application, Ref 22/1342/FUL, dated 6 August 2022, subject to the conditions set out in the schedule to this decision letter.

Procedural Matter

2. On 18 October 2023, the Welsh Government published an update to Chapter 6 of Planning Policy Wales (PPW), which covers green infrastructure, net benefit for biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. Both parties have had the opportunity to comment on the changes to PPW. I have taken the changes into account but in this case, they do not raise any new matters that have any significant bearing on the decision.

Application for Costs

3. An application for costs has been made by Sheehan Holdings Ltd against Powys County Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:

- The effect of the proposal on the character and appearance of the surrounding area; and
- Whether the proposal would result in any unacceptable risks from flooding.

Reasons

Character and appearance

5. The appeal site comprises an agricultural field that is adjacent to a caravan park access road. The site adjoins existing static caravans along its eastern boundary, while additional static caravans are being placed on land to the west. The southern boundary of the site is separated from the A495 highway by a line of tall, mature trees. The highway is set down at a lower level than the sloping field. An agricultural field lies to the north of the site, beyond a row of trees. The proposal would provide 20 additional static caravans at the site, arranged in clusters around driveways, with raised external decking and vehicle parking adjacent to each unit.
6. The appeal site is characteristic of the lowlands meadows found within the Pont Llogel Landscape Character Area. The visual sensory aspect of the LANDMAP landscape resource assesses the surrounding area as moderate sensitivity, recognising the wide, open views over the valley floor, and the presence of sporadic clustered developments. From my site visit observations, the field is also viewed against the backdrop of the Ffridd Mathrafal woodland to the north.
7. The submitted Landscape and Visual Appraisal (Version 2 - December 2022) considers the appeal site to be low to moderate sensitivity, due to the presence of existing caravans on adjacent land. I am satisfied that the Appraisal has included a range of viewpoints reflective of the surrounding area from where development could be seen, given the undulating topography. These viewpoints are primarily concentrated to the east of the appeal site, along and adjacent to the A495, and near an elevated local highway to the south of the site on the opposite hillside.
8. The tree line along the A495 provides strong definition and screens much of the site in views from the highway, particularly when travelling westwards. In this direction, glimpses of the site are largely confined to the sloping land nearest the highway. Caravans would not be in this area, and would instead be set back within the site, extending eastwards behind the tree line.
9. When travelling eastwards along the A495, the sloping field can be seen above the existing hedgerow and fencing boundary near the highway. However, views in this direction would also be framed in part by existing development, with the recent addition of static caravans on land to the east of the appeal site being particularly evident given its position relative to the hedgerow boundary along the highway. The proposed development would therefore not be the key focus of prevailing views in this direction.
10. In longer-distance views from along the local highway on the hillside to the south of the appeal site, the upper portions of the field can be seen. From this distance, the caravans would be seen in the wider context of existing development positioned along similar ridge lines, which is broken up by planting. The extent of tree coverage, at Ffridd Mathrafal on land above the appeal site, and on the same hillside as the local highway, also frames views of the site and partially obscures full visibility. Views from the B4389 southeast of the site would be also confined to glimpses of upper portions of the site, due to the intervening tree cover and undulating landscape. In these distant views, the additional development would be nestled in between the tree coverage and would not appear harmful in its scale and siting.

11. The positioning of caravans next to existing development would assist with landscape integration, as the proposal would not appear as a standalone development or disconnected from its surroundings. I note that the proposal would add to the overall number of caravans within the park. However, the increase would be modest, whilst existing and proposed landscape measures would soften and break up the visual massing of development, rather than forming a continuous ribbon of development with its neighbours. Having regard to the visual context and proposed landscaping measures, the cumulative effect of caravan development in this location would not be significant.
12. Most of the tree planting would be located on the steeper slope towards the highway, supplementing the existing tree belt. The screening effects would reduce to some degree during winter months. However, existing vegetation would largely be retained. Additional tree planting towards the southern and eastern boundaries would also enclose development. The proposed hedgerows around each static caravan would define individual plots, soften the visual impact of development, and deliver biodiversity enhancement.
13. The Landscape and Visual Appraisal broadly follows advice on development in the open countryside contained in the Powys Supplementary Planning Guidance (SPG) – Landscape, adopted in April 2019. Having regard to the SPG advice on holiday park proposals, I am satisfied that the scheme would avoid changes to the area skyline. From my visit and observations of the surrounding area, the site's location towards the lower end of the valley slope, with surrounding dense tree coverage, significantly reduces the visual impact of the proposal. Existing access roads would be utilised. Caravans would have a similar green colour, thereby softening their assimilation in the landscape.
14. I acknowledge that some earthworks would be required to ensure suitable gradients for the positioning of caravans and the internal road layout. However, the variation in levels is less towards the upper portions of the site, compared with its lower sections nearer the highway. The proposed landscaping measures provide additional screening. I have no reason therefore to believe that the alterations to land levels would result in any significant visual impact. Additional cross-sectional details to control site level works could be secured by an appropriately worded planning condition.
15. The proposal would not harmfully affect the valued characteristics of the landscape. I am therefore satisfied that the proposal would not have a harmful effect on the character and appearance of the surrounding area. It would therefore comply with Policies DM4, DM13 and TD1 of the Powys Local Development Plan (LDP) 2011-2026, adopted in April 2018, and the broad thrust of advice in the Council's Landscape SPG.

Flood risk

16. While the proposed static caravans would be located on higher ground outside of any flood zone, the caravan site access at its junction with the A495 is in Zone C2 as defined on the Development Advice Maps (DAM) that accompany Technical Advice Note (TAN) 15: Development and Flood Risk (July 2004). Zone C2 indicates areas of the floodplain without significant flood defence infrastructure. A new version of TAN 15 is due to replace the existing version, while the Flood Map for Planning (FMfP) will replace the DAM.
17. In the case of the appeal proposal, the FMfP identifies the A495 access and sections of that highway to be in the new Flood Zones 2 and 3 Rivers, areas with 0.1% to 1% (1 in 1000 to 1 in 100) and more than 1% (1 in 100) chance of flooding from rivers in a given year, including the effects of climate change, respectively. The FMfP, as confirmed in a Welsh Government letter dated 15 December 2021, holds no formal weight as it is not yet national policy. However, it is publicly accessible and provides the best available

information that is more up to date than the DAM, which does not include any allowances for climate change and is no longer being updated.

18. TAN 15 advises that whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed. The TAN adds that the instability of caravans places their occupants, and others, at special risk and it may be difficult to operate an effective flood warning system. Given that the principal point of access partially falls within a flood risk area, it is necessary to consider whether development would be acceptable in the event of flooding.
19. The appellant has provided evidence in the form of a Flood Evacuation Plan, which was prepared for a previously approved application for additional static caravans to the west of the appeal site (local planning authority ref. 20/1580/FUL). The plan indicates that the shortest evacuation route prior to a flood event occurring would be westwards along the A495.
20. The Council's Emergency Planning Team recommend the most appropriate plan in the event of flooding would be to remain in the caravans while flood water along the A495 subsides. In the event of an emergency, the team advises that occupants evacuate by 4x4 vehicle westwards along the A495. However, in the event of a flood I note that the proposed access would not comply with advice in paragraph A1.15 of TAN 15, as the maximum tolerable flood depth of 0.6m would be exceeded.
21. TAN 15 advises, amongst other things, that escape/evacuation routes are shown by the developer to be operational under all conditions. An alternative emergency evacuation route has been proposed along a forest track through Ffridd Mathrafal forest, adjacent to the caravan park. The evacuation route lies outside of any flood risk area and connects onto classified county highways to the north of the appeal site. The evacuation route is long and runs through the forest, with some hilly sections. However, from the evidence provided the track appears to be passable and appears in good condition to facilitate access to and from the caravan park, should it be required in emergency events. While concerns have been raised about the tree felling operations taking place along the evacuation route on land that falls outside of the appellant's control, I have seen no evidence that this is likely to block the route for extended periods of time.
22. TAN 15 adds that where planning permission is granted for caravan sites, a planning condition should require the erection of suitable warning notices to inform people entering the site and the preparation of effective warning and evacuation plans. Evidence has been provided of flood notices displayed at the caravan park, which identifies the evacuation route. Notwithstanding the advice for occupants to stay in their caravans, on the evidence provided, I am satisfied that there is a feasible and operational escape/evacuation plan, should it be required. The Flood Consequences Assessment (November 2020) includes a Flood Evacuation Plan (FEP) that identifies the different evacuation routes. Subject to a planning condition which requires the FEP to be placed in each caravan, the potential consequences of flooding would be acceptably managed.
23. I therefore conclude that the proposal would not result in any unacceptable risks from flooding, thereby complying with Policy DM5 of the Powys LDP, and advice in TAN 15.

Other Matters

24. Concerns have been raised regarding the impacts of the proposed development on local highways. I have seen no evidence that the associated vehicle movements and anticipated traffic volume would cause unacceptable highways impacts. The local highway authority has raised no objections, subject to imposition of conditions.

25. I have considered the statutory requirements for special attention to be paid to the desirability of preserving the setting of listed buildings. In doing so, given the intervening topography and tree coverage which limits intervisibility, and having regard to the evidence and professional advice of the Council's Conservation Officer and CADW, I am satisfied that the proposal would not harm the setting of listed buildings. I am also satisfied that the proposal would not cause material harm to the setting of the Pentre Camp Scheduled Monument to the south of the appeal site.

Conditions

26. I have considered the conditions recommended by the Council in the light of advice in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular'). I have added a separate condition requiring the FEP as contained in the Flood Consequences Assessment to be placed within each caravan. I have omitted the surface water, permitted development rights and site restoration conditions, given they are covered by separate legislation, and are not necessary or reasonable given the Circular advice and development plan policy.

27. The appeal site would utilise an existing bound and hard surfaced established access and driveway from the A495 road which already serves the wider caravan park. Given that the proposal would not be a significant addition to the park, and that there is little evidence to suggest the existing access is substandard or unsafe, I have only imposed those highway conditions which are directly relevant to the placing of the caravans on the field. Given the limited scale of the development and likely construction works involved, I have no reason to believe that construction vehicles would interfere with the free and safe flow of traffic or any other highway users, and so a condition to require a parking / turning area for such vehicles is not necessary.

Conclusion

28. For the reasons given above I conclude that the appeal should be allowed.

29. 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 one or more of the Welsh Ministers' well-being objectives.

I Stevens

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall begin not later than five years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) The development shall be carried out in accordance with the following approved plans:
 - Proposed Location Plan, received 6 March 2023
 - Proposed Site Plan, Drawing No. Ki 5595 20, dated June 2022
 - Typical Caravan Proposed Floor Plans and Elevations, Drawing No. Ki 5595 25 dated August 2022
 - Landscaping Statement (McCartneys LLP, dated August 2022)
 - Email from Agent – Foul Drainage Information (Received: 12 September 2022)
 - Flood Consequences Assessment (Waterco, November 2020 – Revision 02)Reason: To ensure the development is carried out in accordance with the approved plans and drawings submitted with the application.
- 3) The development hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence by any persons. An up-to-date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
Reason: To ensure control of the use of the holiday units and to prevent the establishment of permanent residencies in accordance with Policy TD1 of the adopted Powys Local Development Plan 2011-2026.
- 4) No development shall commence until details of the external colour(s) of the static caravan units hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details, and any replacement caravan units in the future shall be of matching colours.
Reason: In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the development, in accordance with Policies TD1, DM4 and DM13 of the adopted Powys Local Development Plan 2011-2026, advice in Planning Policy Wales (Edition 11, February 2021) and Technical Advice Note 12: Design (March 2016).
- 5) No development shall commence until at least four scaled cross sections of the application site (both existing and proposed), and details of existing ground levels and proposed finished ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the development within the landscape, in accordance with Policies TD1, DM4 and DM13 of the adopted Powys Local Development Plan 2011-2026, advice in Planning Policy Wales (Edition 11, February 2021) and Technical Advice Note 12: Design (March 2016).

- 6) No development shall commence until a detailed hard landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The approved details shall include an implementation programme (including phasing of work where necessary). The landscaping works shall be carried out in accordance with the agreed implementation plan and the completed scheme shall be maintained in accordance with an approved scheme of maintenance.

Reason: In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the development, in accordance with Policies TD1, DM4 and DM13 of the adopted Powys Local Development Plan 2011-2026, advice in Planning Policy Wales (Edition 11, February 2021) and Technical Advice Note 12: Design (March 2016).

- 7) All planting, seeding or turfing comprised in the approved details of soft landscaping, as per Drawing No: Ki 5595 20 dated June 2022 and the approved Landscaping Statement (McCartneys LLP, dated August 2022), shall be carried out in the first planting and seeding season following the first beneficial use of any static caravan unit hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To limit the landscape visual impact of the development and in the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9, Policies DM2, DM4 and DM13 of the adopted Powys Local Development Plan 2011-2026, advice in Planning Policy Wales (Edition 11, February 2021) and advice in Technical Advice Note 5: Nature Conservation and Planning (September 2009).

- 8) No external lighting shall be installed within the application site unless a detailed external lighting design scheme has first been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined within the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8 Bats and Artificial Lighting (12 September 2018). The development shall be carried out in accordance with the details once approved.

Reason: In the interests of landscape and biodiversity matters, in accordance with Policies DM2, DM4 and DM13 of the adopted Powys Local Development Plan 2011-2026, advice in Planning Policy Wales (Edition 11, February 2021) and Technical Advice Note 5: Nature Conservation and Planning (September 2009).

- 9) Prior to the first beneficial occupation of any static caravan hereby approved, provision shall be made within the curtilage of the application site for the parking of not less than one parking bay per bedroom, together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained as such for as long the development hereby permitted remains in existence.

Reason: In the interests of highway safety, in accordance with Policies T1 and DM13 (Criterion 10) of the adopted Powys Local Development Plan 2011-2026 and Technical Advice Note 18: Transport (March 2007).

- 10) Prior to the first beneficial occupation of any static caravan hereby approved, the area of the access within the caravan site field to be used by vehicles is to be finished in a 40mm bituminous surface course material (or a suitably bound material which is to be approved in writing by the local planning authority) for a distance of 12 metres from the

edge of the adjoining carriageway. This area will be retained as such for as long the development hereby permitted remains in existence.

Reason: In the interests of highway safety, in accordance with Policies T1 and DM13 (Criterion 10) of the adopted Powys Local Development Plan 2011-2026 and Technical Advice Note 18: Transport (March 2007).

- 11) The gradient of the access within the caravan site field shall be constructed so as not to exceed 1 in 30 for the first 12 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long the development hereby permitted remains in existence.

Reason: In the interests of highway safety, in accordance with Policies T1 and DM13 (Criterion 10) of the adopted Powys Local Development Plan 2011-2026 and Technical Advice Note 18: Transport (March 2007).

- 12) Any vehicular entrance gates installed at the entrance to the caravan site field shall be set back at least 12 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.

Reason: In the interests of highway safety, in accordance with Policies T1 and DM13 (Criterion 10) of the adopted Powys Local Development Plan 2011-2026 and Technical Advice Note 18: Transport (March 2007).

- 13) No more than 20 holiday let units shall be on the application site at any one time.

Reason: To ensure adherence to the approved plans, in the interests of clarity and a satisfactory development.

- 14) A copy of the approved Flood Evacuation Plan shall be placed within each static caravan and made available for future occupants, for as long as the development hereby approved remains in existence.

Reason: To ensure the safety of occupants during an extreme flood event, in accordance with Policy DM5 of the adopted Powys Local Development Plan 2011-2026.