



## Appeal Decision

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by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 11/08/2023

Appeal reference: CAS-02342-R5T0R2

Site address: Cefn Gorwydd Farm, Cwmfferws Road, Tycroes, Ammanford SA18 3UD

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr K Smith against the decision of Carmarthenshire County Council
  - The application Ref PL/04158 was refused by notice dated 25 July 2022.
  - The application sought planning permission for change of use of land to equestrian, construct an all weather manege and install a horse walker without complying with a condition attached to planning permission Ref E/36262, dated 17 January 2018.
  - The condition in dispute is No 3 which states that: 'The use of the manege for equestrian purposes hereby permitted shall be used only for the private leisure purposes of the applicant and family only and shall not be used for any commercial activity including hiring, hacking, livery or tuition'.
  - The reason given for the condition is 'In the interests of visual and residential amenity and to avoid the introduction of a commercial use at this location and to preserve the local landscape quality.
  - A site visit was made on 10 July 2023.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use of land to equestrian, construct an all weather manege and install a horse walker at Cefn Gorwydd Farm, Cwmfferws Road, Tycroes, Ammanford SA18 3UD in accordance with the application Ref PL/04158, without compliance with condition number 3 previously imposed on planning Ref E/36262, dated 17 January 2018 but subject to the conditions set out in the attached schedule.

### Main Issue

2. This is the effect that removing or varying the disputed condition would have on highway safety and the character and appearance of the surrounding area.

### Reasons

#### *Highway Safety*

3. The appeal relates to an equestrian centre accessed from Cwmfferws Road, which is a rural country road connecting the settlements of Saron and Tycroes. It varies in alignment and width along its length, from the wide sweeping bends on the approach

from the north to the more winding and narrow sections on the approach to Tycroes to the south. From my observations it is not heavily trafficked, and a traffic count provided by the appellant, whilst containing limited data, tends to support my observations. No evidence to the contrary is provided by the Council. I also observed low speeds with traffic generally travelling within the speed limit of 30mph.

4. The Council refers to restricted carriageway width, forward visibility, passing places and a lack of pedestrian facilities. However, no specific details are provided. From my own observations, on the approach to the site from the north there is generally good forward visibility and regular passing places. There is also a pedestrian footway along much of the eastern side of its length. From the south, as the road passes through the built-up area on the outskirts of Tycroes, it is more winding, with short sections that have steep gradients and less facilities for pedestrians. In particular, there is a section that is limited to single vehicle width and involves negotiating two sharp bends. Local representations suggest that horse boxes need to reverse due to lack of space and cars towing horse boxes are driving in the middle of the road obstructing traffic. Nonetheless, from what I saw this would be the case for most vehicles. Moreover, there is no evidence that the road has any serious highway safety record.
5. The appellants suggest that events would involve around 25 – 30 lorries or towed horse boxes, and that arrivals and departures are staggered throughout the day. The additional traffic on the local highway network would not therefore be significant and it would be limited to no more than 28 days of the year. In the circumstances, and given the low speeds and traffic flows, I consider that the minor additional traffic that would be generated by the development would result in mild inconvenience to road users rather than any serious risk to highway safety.
6. Taking the above into consideration, I conclude that removing the disputed condition would not be harmful to highway safety and there would be no conflict with Policy TR3 of the Carmarthenshire Local Development Plan (LDP).

#### *Character and Appearance*

7. The appeal site lies in a part of open countryside between settlements. It is well screened by roadside hedging and is a generally flat area with some small undulations. To the north and west, a large band of trees provides screening in wider landscape views. It is not therefore a prominent site. The site has a partly developed appearance derived from two fenced riding arenas, with one containing a mixture of show jumps. There is also a horse walker and a large, compacted surface area evidently used for vehicular parking. Overall, however, it retains an open appearance with a clear equestrian function that is commensurate with the rural character of its setting.
8. The appeal seeks to intensify the use of the site to allow for non-private use up to 28 days in a year. It is suggested that such uses would include 'not for profit' competitive equestrian events. Although the Council refer to the retention of structures and chattels that are restricted by condition 4 of the original planning permission, none form part of this appeal, and the removal or variation of this condition is in any event not sought. It would therefore be open to the Council to enforce this condition as it considers fit. In this case the effects on countryside character would primarily relate to the additional activity and vehicles parked on site during events or other related commercial activity.
9. The Council has provided very little information to support its second reason for refusal. Similarly, whilst I have been provided with supplementary planning guidance relating to the Caeau Mynydd Mawr Special Area of Conservation, there is nothing to suggest that the proposal would conflict with its objectives. Given that the activity sought would be transient in nature, rather than fixed or permanent, and would only take place during a

small part of the year, the effects on the landscape would be minimal. I therefore find that removing the disputed condition would not be harmful to the character or appearance of the area and there would be no conflict with Policies GP1 or GP2 of the Carmarthenshire Local Development Plan.

### **Conditions**

10. The Development Management Manual clearly states that decision notices for the grant of planning permission under section 73 should repeat the relevant conditions (which are considered necessary) from the original decision notice. As I have no information before me about the status of the other conditions imposed on the original decision notice, I shall impose all those which I consider remain relevant. In the event that some have been discharged, that is a matter which can be addressed by the parties. As the development has commenced, a time limited condition is not necessary. The Council suggest a condition relating to landscaping maintenance and management. However, this was not imposed on the original planning permission, and in the light of my findings on character and appearance above, such a condition is not reasonable or necessary. Amongst other things, Future Wales Policy 9 requires that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), must be demonstrated as part of development proposals. A condition to require biodiversity enhancement is therefore necessary. Given that the development has commenced, I have amended the wording of the condition to secure its enforcement.
11. I have also had regard to the conditions suggested by the appellants that relate to hours of operation, vehicle numbers and parking. However, in view of the conclusions that I have reached, I do not consider that these are necessary.

### **Conclusion**

12. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition 3 but substituting it with a new condition and restating / imposing conditions as set out above.
13. 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 to make our cities, towns and villages even better places in which to live and work.

*P J Davies*

INSPECTOR

### **Schedule of Conditions**

1. The development shall be carried out in accordance with the following approved plans received on 10 October 2017: 1:1500 scale site plan (P1-1); 1:500 scale Proposed Horse Walker (P1-2); 1:500 scale Proposed Horse Walker (P1-3); 1:50 scale Proposed Horse Walker (P1-4).  
  
Reason: To ensure the development is carried out in accordance with the approved plans and drawings submitted with the application.
2. The use of the manege for equestrian purposes hereby permitted shall be used for the private leisure purposes of the applicant and family, and for commercial activity

including events, hiring, hacking, livery, or tuition, providing such commercial activity takes place for no more than 28 days in any calendar year.

Reasons: In the interests of highway safety and visual amenity (LDP Policies TR3, GP1 and GP2).

3. The land associated with the equestrian use hereby permitted as defined on the submitted plans shall not be used for the storage or siting of horse transport vehicles, horse boxes and shelters, caravans, mobile stables or any other structures, vehicles or chattels.

Reasons: In the interests of safeguarding the landscape and countryside character of the area (LDP Policies GP1 and GP2).

4. The use of the land for equestrian purposes hereby permitted shall cease and the manege and horse walker shall be completely removed from the site within 6 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
  - (i) within 2 months of the date of this decision a scheme of biodiversity enhancement shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
  - (ii) if within 6 months of the date of this decision the local planning authority refuse to approve the biodiversity enhancement scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers.
  - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Welsh Ministers.
  - (iv) the approved biodiversity enhancement scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9.