



APPEAL STATEMENT
PROPOSED TIMBER STORE
AT LAND OPPOSITE GILFACH WEN (FORMERLY KNOWN AS
PENROC), CAIO, CARMARTHENSIRE

On behalf of
Mr R. Jones

Our Ref: 1631.a
Date: February 2024
Prepared by: JDE/RDG

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1.0 INTRODUCTION

- 1.1 This appeal is submitted following the decision of Carmarthen County Council (the LPA) to refuse to grant full planning permission for planning application number PL/06296, which proposed a 'Timber Store'.
- 1.2 This Appeal is prepared and submitted by Evans Banks Planning Ltd on behalf of Mr R. Jones (the Appellant). This statement therefore deals with the planning issues arising from the proposal.
- 1.3 In this statement, Section 2 describes the location of the appeal site and its setting in general terms. Section 3 then describes the appeal proposal and its historic consideration by the Council, while Section 4 then presents the Appellants case in the form of a rebuttal of the reasons for refusal given by the LPA. Section 5 then provides a conclusion and summary of the Appellants case.

2.0 THE APPEAL SITE AND ITS SURROUNDINGS

2.1 THE APPEAL SITE

- 2.1.1 To avoid unnecessary repetition, we refer the Inspector to section 2.0 of the Planning Statement provided as part of the original submission (LPA Reference Number: PL/06296) for a description of the site.

3.0 THE PROPOSAL AND ITS CONSIDERATION BY COUNCIL

3.1 THE APPEAL PROPOSAL – PLANNING APPLICATION PL/06296

The Submissions

3.1.1 The appeal proposal relates to a full retrospective planning application for a timber store and associated hard standing at land opposite Gilfach Wen (formerly known as Penroc), Caio, Carmarthenshire. As part of the application, approval was sought with regard to the proposed retention and use of the shed.

3.1.2 Together then with the necessary completed forms and certificates, the application was submitted with the following documentation:

- *Planning Statement (July 2023)*
- *Site Location Plan*
- *Block Plan*
- *Proposed Floor Plans - [463 - PL01]*
- *Proposed Elevations - [463 - PL01]*

3.2 CONSIDERATION OF THE APPEAL PROPOSAL BY THE COUNCIL

3.2.1 Following registration of the application in question, we understand that the relevant bodies and parties were consulted on the proposed development. The following are the consultee responses to the development received as part of the consultation process:

- Local Highway Authority – No Objection Raised - Comment
- The development hereby permitted shall only be used solely for the storage and seasoning of timber for personal use. At no time shall timber be sold from the site or distributed from site on a commercial basis.

- Planning Ecology – Objection
 - Looking at aerial photography the majority of the development is on cleared semi-natural broad-leaved woodland
 - Local and national policy clearly state semi-natural broadleaved woodland should be retained
 - The development has resulted in a net loss of biodiversity through the loss of semi-natural broad-leaved woodland. We also note a Green Infrastructure Statement has not been submitted to show any application of the step-wise approach. We therefore object and recommend refusal of the application.

- Drainage – No Objection Raised - Comment
 - Flooding – No Objection
 - Drainage - No drainage considerations made within the application. SuDS Application: Likely to be required due to the proposed hardstanding. Insufficient information included in application to make a definitive judgement.

- Environmental Health (Public Health Services) – No Objection Raised

- Environmental Health (Noise) – No Objection Raised

- Planning Application Consultation – No Objection Raised - Comment
 - The site falls within the area covered by the adopted Carmarthenshire Local Development Plan. The site is located in the open countryside and is not related to a specific settlement in the settlement hierarchy set out by Policy SP3. It is stated in the application that the operations undertaken in the shed are for personal use. I have no comments to make in this regard other than the structure should comply with the general development policy in the LDP, namely GP1 – Sustainability and High Quality Design

- Cllr. Arwel Davies – No Objection Raised - Comment
- I have no objection to this planning application. The proposed development does not have a negative impact on the landscape and nearest surroundings. The entrance to this site has always been there and on a one-way section of highway with plenty of visibility. It would be sustainable regarding locally available timber as the applicant is from a farming background with permission to clear wood on numerous farm holdings in the area.

3.2.2 It should be noted that the comments and objection of the Ecologist were only publicly published and made available as an addendum on the day of the meeting of the Planning Committee at which the application was determined. No opportunity or request was made by the LPA's Officers to the Applicant for the provision of information to address the points raised in the Ecologists objection.

3.2.3 As a result, the application was determined by the Council's Planning Committee and refused for the reasons set out in the issued Decision Notice on the 1st of February 2024.

4.0 THE CASE FOR THE APPELLANT

4.0.1 This Section of the Statement deals directly with the 2 reasons for refusal given by the LPA for refusing to grant permission for the proposal subject of planning application PL/06296. The Authority set out two reasons in its Decision Notice, whilst referring to national and local planning policy or guidance documents where relevant. A rebuttal of each reason on behalf of the Appellant now follows.

4.1 REASON FOR REFUSAL 1

4.1.1 The first reason for refusal reads as follows:

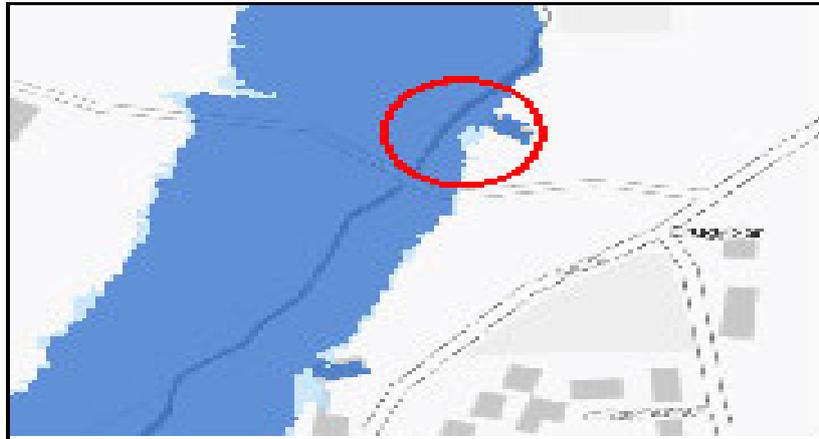
“The proposal, if approved, would be contrary to Policy SP1(Sustainable Places and Spaces), Policy SP14 (Protection and Enhancement of the Natural Environment), GP1(Sustainability and High Quality Design) and EQ6 (Special Landscape Area) of the Carmarthenshire Local Development Plan, in that it is considered there is insufficient justification provided to support the private storage building at this rural location, which represents a sporadic form of development in the countryside without a justified farming association related to a farm holding and being reasonably necessary for the purposes of agriculture. The proposal also has a detrimental effect on the rural character and appearance of the open countryside at this location within the Cothi Valley Special Landscape area”.

4.1.2 From reading the reason it would appear that the Authority consider that the appeal proposal fails to adhere to local planning policy and guidance on design grounds. Specifically, it appears that the Authority considers that two elements of the development – its justification and impact on the rural character and appearance of the open countryside at its location, do not conform to certain criterion in Policies SP1, SP14, GP1 and EQ6.

4.1.3 We will first consider the initial statement by the Council that there is “***insufficient justification provided to support the private storage building at this rural location, which represents a sporadic form of development in the countryside without a justified farming association related to a farm holding and being reasonably necessary for the purposes of agriculture***”.

4.1.4 Regarding the issue of “*justification*” it is important to acknowledge that the cost of energy has become a key consideration both in the immediate and longer term future. The Appellant’s family home (Glynhyfryd) has a heating and hot water system that utilises solid fuel, which for both cost and sustainability reasons, they have decided to continue with moving forward.

4.1.5 The above has also been influenced by the amount of locally available timber being offered to the Appellant by friends and family living in the area, presenting a cost effective and sustainable supply for their domestic needs. However, with the Appellant currently using in the region of 10-15 full ‘jumbo bags’ of wood per annum, a key requirement is the ability to store such a volume in a dry manner, as well as season it ready for use, a process that can take in excess of 12 months. With their home not currently having such facilities and unable to provide them due to flood risk constraints (circled on Plan A below, an extract from the TAN15 Development Advice Map), the natural solution was the acquisition of the application site when it became available for purchase a short while ago.



Plan A

- 4.1.6 This current planning application therefore seeks to regularise the storage building that has been erected on the application site to meet the Applicant’s sustainable fuel supply requirements.
- 4.1.7 Secondly, regarding the issue of the development being a “*sporadic form of development*”, it can be argued that the construction of the building, within an adjoining open area that is also for the storage of harvested wood has been carefully designed so that it fits in with its wider setting.
- 4.1.8 The location of the development was also designed so it can continue to be served by the reinstated access pictured below. Although the road in question is part of a one-way system, through the management of the hedgerows either side of the access (as illustrated below), the Appellant has ensured that visibility in both directions is excellent, a fact recognised by the Authority’s Highway’s Officers.



Photograph 1

Photograph 2

4.1.9 The exterior finish of the development, as shown below, has been designed to be inconspicuous in its wider setting, through both its basic appearance, and the natural screening that is provided by the heightened bank and tall perimeter trees in the background.



Photograph 3

4.1.10 The above ensures therefore that the development does not have “*a detrimental effect on the rural character and appearance of the open countryside at this location within the Cothi Valley Special Landscape area*”, and complies with the relevant criterion of Policies SP1, SP14, GP1 and EQ6.

4.2 REASON FOR REFUSAL 2

4.2.1 The second reason for refusal reads as follows:

The proposal, if approved, would be contrary to Policies EQ4 (Biodiversity), EQ5 (Corridors, Networks and Features of Distinctiveness), SP1(Sustainable Places and Spaces), SP14 (Protection and Enhancement of the Natural Environment) of the adopted Carmarthenshire Page 7 Local Development Plan (2014), and revised Chapter 6 (Distinctive and Natural Placemaking and Well-Being) of Planning Policy Wales Edition 11, in that the development of the site has resulted in the loss of semi-natural broad-leaved woodland that is identified as being moderately species-rich and provides habitat for a range of species. The woodland is identified as a habitat of principal importance for the purposes of maintaining and enhancing biodiversity in relation to Wales under Section 7 of the Environment (Wales) Act 2016, and the development of the site has resulted in the loss of a significant part of this habitat without suitable mitigation or compensation”.

4.2.2 From reading the reason it would appear that the Authority consider that the appeal proposal fails to adhere to local planning policy and guidance on ecological grounds. Specifically, it appears that the Authority considers that two elements of the development – the loss of semi-natural broad-leaved woodland and the loss of a significant part of this habitat without suitable mitigation or compensation, do not conform to certain criterion in Policies EQ4, EQ5, SP1, SP14, and the revised Chapter 6 (Distinctive and Natural Placemaking and Well-Being) of Planning Policy Wales Edition 12.

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- 4.2.3 Regarding the issue of the **“loss of semi-natural broad-leaved woodland”** it is important to acknowledge that the only trees removed from the appal site were ash trees that contained the ash dieback disease. This was carried out following a discussion with the relevant Council Officers in 2019 prior to the development being undertaken, who had marked the trees with orange paint, which is in line with the Council’s own requirements. Trees showing at least 50% of ash dieback disease are tagged with orange ribbon or marked with orange spray paint and are to be felled in the future. Carmarthenshire County Council states that *“all trees on privately owned land are the responsibility of the landowner or tenant. Under the Occupiers’ Liability Act 1957 and 1984 and the Health and Safety at Work Act 1974 land owners have a legal requirement to ensure that all trees on their land are maintained to a safe standard and do not pose a risk to the public”* (Carmarthenshire County Council, 2023). The decision to fell trees on the application site was therefore undertaken in compliance with requests made by the Council and the responsibilities as set out in this Act. No trees other than those affected by Ash Dieback were felled.
- 4.2.4 Secondly, regarding the issue of **“the loss of a significant part of this habitat without suitable mitigation or compensation”** it is important to acknowledge that the Appellant was not made aware of the County Ecologist’s objection prior to the application’s determination. As a result, the Appellant was unable to provide a tree planting plan as part of this application but would have been willing to do so in accordance with the relevant planning policy prior to its determination.
- 4.2.5 Notwithstanding the above, accompanying this appeal (and as requested by the County Ecologist) is a Green Infrastructure Plan, prepared in line with the National Planning Policy. As can be seen, although no trees are required to be felled to facilitate the development, the appeal proposal does now make provision for additional tree planting on site.

4.2.6 Therefore, In view of the above, it can be determined that the development has not contributed to the loss of “semi-natural broad-leaved woodland”, but will in fact create additional woodland, ensuring that the proposal complies with Policies EQ4, EQ5, SP1, SP14, and the revised Chapter 6 (Distinctive and Natural Placemaking and Well-Being) of Planning Policy Wales Edition 11.

5.0 CONCLUSION

- 5.1 The appeal proposal relates to a scheme for a 'Timber Store' at Land Opposite Gilfach Wen (Formerly known as Penroc), Caio, Carmarthenshire.
- 5.2 It is considered that the LPA have determined the application proposal in question in an erroneous and unreasonable manner, citing two separate reasons for refusal that on several points are misleading and illogical.
- 5.3 Sufficient information has been presented to demonstrate that the proposal reflects and respects the immediate and wider context both in terms of the general pattern of development, as well as the site's more specific design reference points. The positioning and elevation of the proposed store, as well as its carefully designed exterior, means that there are no concerns of a *"sporadic form of development"* or *"a detrimental effect on the rural character and appearance of the open countryside at this location"*. Therefore, the proposal is fully justified and remains in full accordance with both national and local planning policy.
- 5.4 The final area of concern raised by the Authority in its decision to refuse to grant planning permission relates to a lack of "mitigation and compensation" for the felling of "semi-natural broad-leaved woodland". As detailed above, the Appellant was not made aware of the objections concerning biodiversity during the determination of the application. Had they been, the Authority would have understood that the trees in question had been felled – at its request – as a result of Ash Dieback disease. However, the appeal proposal includes provision for additional planting, ensuring that it exceeds the requirements of both national and local biodiversity planning policy.
- 5.5 It is therefore considered the Authority were erroneous and unreasonable to refuse to grant planning permission and we respectfully request that this appeal is allowed, and planning permission be granted for the appeal proposal.