

1. INTRODUCTION AND BACKGROUND

- 1.1 Members will recall that planning permission was granted in 2006 for a replacement dwelling at this site under reference NP/06/076. Permission was granted subject to a number of conditions some of which are recited below. The 2006 permission is attached as **Appendix 1**.
- 1.2 During the course of construction it was found that the dwelling was not being constructed in accordance with the approved drawings as required by condition 2 of the permission. This was brought to the applicant's attention and an application (NP/06/076) was submitted under Section 73A of the 1990 Act which sought retrospective permission for the dwelling by varying condition 2, and discharging conditions 5, 6 and 7 thereby seeking to retain the building as then built. Full details of those aspects of the development as would have been necessary to comply with conditions 5,6 and 7 were included with that application.
- 1.3 That application was presented to Committee in April 2009, and then again in June 2009. Members will recall that the officer recommendation at that stage was that the application be granted planning permission subject to conditions restricting the use of the additional basement rooms to storage only and requiring the landscaping to be carried out within the next planting season, in accordance with the submitted management plan, and for replacement plants to be provided for the next five years in the event of their failure. Members resolved to refuse the application and a decision notice to that effect was issued on 2nd July 2009. The reasons for refusal were as follows:
- "1. The dwelling as constructed does not achieve an acceptable level of integration with the landform and setting of the site. As a result it is significantly more prominent and visually intrusive than both the original dwelling and the replacement dwelling approved under permission NP/06/076, it does not reflect the proportions of the other buildings on The Parrog, and it is therefore in conflict with criteria i), ii) and iv) of JUDP Policy 67 (Conservation of Pembrokeshire Coast National Park), criterion iv) of JUDP Policy 56 (Replacement Dwellings), and JUDP Policy 76 (Design).
2. Notwithstanding the fallback position encompassing permission NP/06/076, to the extent that it is relevant, the proposed landscaping scheme will not reduce the visual intrusion such that the conflicts identified in Reason 1 will be satisfactorily mitigated."
- 1.4 To date the site owner has not appealed against that refusal, the deadline date for appeal being 2nd January 2010. Having refused the application, however, it is appropriate for the Authority to determine whether or not to take enforcement action in respect of the building as



constructed and, if it is, what steps are to be taken. This report addresses the key issues that members need to consider. In summary these include:

- Whether unauthorised development has occurred and, if it has, the nature of the breach of planning control.
- Whether the development unacceptably harms amenity and, if it does, what steps can be taken to remedy the harm to amenity. If steps are necessary, is the recommended action commensurate and proportionate.

1.5 Throughout their assessment, however, members should bear in mind in particular the “fall-back” position which is the 2006 permission at Appendix 1. National Guidance on the justification for enforcement action must be taken into account and certain relevant parts of TAN 9 (Wales): Enforcing Planning Control are summarized below.

1.6 This report commences by briefly summarising the site history in planning terms; it then provides a detailed comparison between the development as largely completed and the “fall-back” scheme approved in 2006, and between the original pre-2006 situation and that present today; it then assesses the legal planning status of the current development and addresses whether the development is in accordance with national and local policy guidance. It then evaluates if enforcement action is justified and considers the options open to the Authority in that respect. Finally, it makes a recommendation and, should members resolve to take enforcement action, it advises on the content of the proposed Enforcement Notice, including the measures recommended as being required to remedy the breach. To assist members in that respect a draft Enforcement Notice is attached at **Appendix 2**.

## **2 THE PRE-2006 POSITION**

2.1 Prior to the application being submitted in 2006 and permission NP/06/076 being granted the application site comprised the following:

- An area of approximately 0.66ha (1.64 acres) occupied by a bungalow with a large, unkempt curtilage.
- A bungalow located within the site as shown at Appendix 1 with a floor plan of 100.80 sq.m, a frontage of 13.6m, a width of 6.75 and 7.6m, an eaves height of 20.15m (relative to AOD), and a ridge height of 21.20m AOD. The survey does not show a floor level for the bungalow but it can be deduced from the surrounding ground levels that it was at circa 17.50m AOD, suggesting that the height of the bungalow to ridge was circa 3.7m. Also on site was a detached shed of some 23.94 sqm floor area.



- The bungalow was orientated in a North-East to South-West configuration.
  - A curtilage largely comprising an access drive, open ground, extensive woodland, scattered trees, and two sections of what appear to be a narrow open stream/ditch located within the southern half of the site.
- 2.2 In general it is understood that the bungalow was unprepossessing with minimal visual impact on the local landscape. A 1:200 scale survey of the site was submitted with the 2006 application and it is attached at **Appendix 3**. (This drawing has not been reproduced for the web because of its size but is available in the National Park offices).

### **The 2006 Scheme**

- 2.3 This was granted planning permission under reference NP/06/076 and is referred to in this report as the "*fall-back position*". The approved drawings are attached at **Appendix 4**. Those approved drawings were:
- NP 001 – 1:200 scale Site Plan (which shows a much smaller site than does the survey drawing submitted at the same time, and which also does not indicate if the proposed dwelling is to be located on the actual footprint of the bungalow or not).
  - NP 002 – 1:100 scale Lower Ground Floor Plan
  - NP 003 - 1:100 scale Upper Ground Floor Plan
  - NP 004 - 1:100 scale Roof Space Floor Plan
  - NP 005 - 1:100 scale South Elevation (really the north elevation)
  - NP 006 - 1:100 scale West Elevation (really the east elevation)
  - NP 007 - 1:100 scale North Elevation (really the south elevation)
  - NP 008 – 1:100 scale East Elevation (really the west elevation)
  - NP 009 to 012 – 1:10 scale 3D Views (4 drawings)
- 2.4 Additional to the above a survey drawing (referred to in paragraph 2.2 above and attached at Appendix 3) was submitted showing the physical characteristics of the site at the time of the application. This drawing (which was not referenced or numbered) was not stamped "*approved*" and it is not therefore included in the list above. However, there is no indication that it was not considered to be an accurate reflection of the site conditions at the time. It has therefore been used as a part of the assessment that follows as it provides very important information in respect of site levels.



- 2.5 The approved drawings listed above indicated that the proposed dwelling would be formed on three floors having 3 bedrooms, a bathroom, a shower room, and a fitness suite at **lower ground level**; a lounge, open-plan kitchen, family room (incorporating dining space), hall, garage, utility and wc at **upper ground floor level**; and a master bedroom and en-suite, landing, IT suite, and sun terrace at **roof space level**. The north elevation (described incorrectly as the “*south elevation*” on the approved drawings) was shown on drawing NP 005 to be very significantly glazed with glass taking up a very substantial proportion of the 3 storey elevation.
- 2.6 The curtilage was shown to be grassed and landscaped with two curving external staircases protruding from the north-east and north-western corners of the property dropping down to the garden and patio area below.
- 2.7 There was no proposed ground level information submitted to enable a comparison to be made between the then-existing situation, as shown on the survey drawing, and the proposed situation. The drawings did show, however, that:
- The Lower Ground Level covered 143 sq.m.
  - The Upper Ground Level covered 232.33 sq.m.
  - The Roof Space Level covered 239.14 sq.m.(including the void) or 191.11 sq.m. (excluding the void).
  - The **TOTAL FLOOR AREA** was therefore 614.48 sq.m. (including the void area) or 566.45 sq.m. (excluding the void area).
  - The maximum ridge height above the surrounding finished ground level was 7m.
  - On the assumption that the original ground level ( assumed as 16.25 m AOD on the survey drawing) matched what appears to be the ground level shown on drawing NP005, the maximum ridge height as approved was 23.25m AOD.
  - The ridge height of the approved dwelling was therefore 2.05m (AOD) higher than the ridge height of the original bungalow.
- 2.8 In terms of establishing a “*fall-back position*” against which to judge the impact and acceptability of the scheme as built, therefore, that approved ridge height is a valid parameter. The fact that the 2006 permission was subject to conditions is also material.

### 3 THE SCHEME AS BUILT



- 3.1 The dwelling and associated works are not finished although the building is substantially completed. The available information suggests that the building and development, to the extent that it is completed, is in accordance with the drawings submitted under the section 73A application and accordingly reliance can be placed upon those when considering what development has actually taken place. Measurements shown on the plans have, where possible, been verified on site and the dimensions relied upon below are of the scheme as built.
- 3.2 The s73A application was refused on 2nd July 2009 under reference NP/08/361 (copy attached at **Appendix 5**). It proposed the retention of the unauthorised works completed to that date and the completion of the dwelling as then proposed in its revised form. It was supported by the following drawings :
- Landscape Proposals (1:200 scale) – dated July 2008 – Dwg No.282/01/A) (this drawing has not been reproduced for the web because of its size).
  - Landscape Layout (1:200 scale) – dated May 2009 – Dwg No.60467-SK01C (this drawing has not been reproduced for the web because of its size).
  - 282 FP01 Rev B – Lower Ground Floor Plan
  - 282 FP02 Rev B – Ground Floor Plan – 1:100 scale
  - 282 FP03 Rev B – First Floor Plan – 1:100 scale
  - 282 FP10 Rev C – North and South Elevations – 1:100 scale
  - 282 FP30 – North and South Elevations with Semi-Mature Trees superimposed – 1:100 scale
  - 282 FP11 Rev C – East and West Elevations – 1:100 scale
  - 282 FP31 – East and West Elevations – 1:100 scale
  - 282 DET01 Rev A – Entrance Gate Details – 1:20 scale
- 3.3 There was no “*Existing Survey*” drawing included with the application documentation.
- 3.4 The drawings are attached at **Appendix 6** and indicated that the proposed dwelling would be of 3 storey construction with 2 en-suite bedrooms, a further double bedroom, and extensive storage facilities at **lower ground floor level**; extensive family area/dining area/open plan kitchen/breakfast area, entrance hall, garage, utility and cloakroom at **ground floor level**; and 2 en-suite bedrooms and a landing at **first floor level**.



- 3.5 Unlike the 2006 scheme this proposal showed on the submitted drawings the proposed finished ground levels and the proposed finished floor levels of the dwelling. As already stated, however, no “existing site survey” was produced to enable an accurate topographical comparison to be made between the pre-application and post-determination stages or, indeed, between the pre-2006 position and the then proposed 2009 position.
- 3.6 The scheme as built is largely as shown on the submitted drawings (Appendix 6). On that basis the relevant dimensions/areas/levels are as follows :
- The Lower Ground Level Floor Area covered 242.89 sq.m.
  - The Upper Ground Level Floor Area covered 242.89 sq.m.
  - The Roofspace Level covered 195 sq.m. (including the void area), 150.80 sq.m.(excluding the void area).
  - The **TOTAL FLOOR AREA** is therefore 680.78 sq.m. (including void area) or 636.58 sq.m. (excluding void area).
  - The maximum ridge height above external ground levels was 11.1m
  - The external ground levels around the proposed dwelling were shown to be 17.72m (AOD presumably) adjacent to the north elevation and 18.72m adjacent to the south elevation.
- 3.7 In terms of the building's proposed design the drawings showed that it was to be very heavily glazed at its north elevation with windows, doors, fascias, rainwater goods to be of a grey colour and walls to be stucco rendered and painted in a colour described as “Dulux Celtic Forest No.4 – 90YY67/117. There is no reference on the drawings to the colour of the glazing which takes up approximately 80% of the front elevation and therefore has a significant effect on the visual impact of the dwelling from the north. It is clear, however, that the glazing frames are not finished in “Celtic Forest” which is a light mushroom colour. Rather, they are finished in a dark blue/grey colour.
- 3.8 The as-built situation is that the walls and roof have been completed and virtually all the glazing has been installed. Part of the external balcony and front canopy have also been constructed. None of the external groundworks or landscaping proposals has been implemented.

#### **Comparisons between the Original pre-2006 Situation, the Approved 2006 Scheme, and the Scheme As Built**

- 3.9 It is important for members to understand how the various schemes compare before they determine whether or not to take enforcement



action. Direct comparisons, where they are possible, are summarised in the table attached at **Appendix 7**. In brief the situation is as follows :

- It is not possible to confirm if the application site areas are consistent between the 2006 and 2009 schemes. The site plan for the approved 2006 scheme is restricted to the immediate area around the dwelling, although the survey drawing shows the whole of the curtilage of the original bungalow. The site area of the as-built 2009 scheme is larger than that submitted in 2006 but does not cover the full extent of the pre-2006 position as shown on the "Existing Survey".
- In terms of the comparative locations of the three dwellings it would appear that the approved 2006 and refused "as-built" 2009 locations are largely consistent. However, they are located to the north-west of the original bungalow position. Neither the 2006 approved dwelling or the 2009 refused "as-built" dwelling is therefore located on the footprint of the original dwelling.
- In terms of comparative **floor slab levels** :
  - The floor level of the original dwelling sat at a level that was not shown on the site survey submitted in 2006. Nevertheless the abutting ground levels were shown to range between 16.25m AOD and 17.2m, the latter appearing to be the level of a path at the rear of the property. Accordingly, it can be surmised that the internal floor level sat at circa 17.50m AOD.
  - The floor level of the dwelling approved in 2006 sat again at an unspecified level. In the location where the dwelling was proposed the 2006 survey showed existing site levels to vary between 15m and 17.5m AOD. The approved floor level was presumably, therefore, somewhere between.
  - The floor level of the as built dwelling sits at 16.870m AOD.
- In terms of maximum ridge levels :
  - The original dwelling ridge sat at 21.21m AOD.
  - The ridge of the dwelling approved in 2006 sat circa 10.5m above the floor level, that is between 25.5m and 28m AOD.
  - The ridge of the as built dwelling sits at 27.12m AOD.
- In the context of overall floor areas :
  - The original dwelling extended to 100.80 sq.m. on a single floor.
  - The 2006 approved dwelling extended to 614.48sq.m. on 3 floors.



- The as built dwelling extends to 680.78 sq.m. on 3 floors.
- The as-built scheme is therefore, in floor area terms, 10.79% larger than the approved 2006 scheme and 575% larger than the original bungalow. The approved 2006 scheme (the fall-back position) was 509% larger than the bungalow.
- Insofar as the width of the building frontages is concerned (important when viewing the properties from the principal frontage from the north) :
  - The original dwelling had a frontage of 13.6m.
  - The approved 2006 dwelling had a frontage of 22m.
  - The as built dwelling has a frontage of 20.5m.
- Insofar as the depth of the properties is concerned :
  - The original dwelling had a depth of between 6.8 and 7.8m.
  - The approved 2006 dwelling had a depth of 17.8m.
  - The as-built dwelling has a depth of 18.5m.
- Insofar as apparent building mass is concerned (as deduced from the submitted drawings) :
  - The original bungalow was clearly of very limited mass when viewed from any angle.
  - The 2006 dwelling was presented in the approved drawings (NP005 to NP008) as having been sunk into the surrounding land with the effect that the area of visible frontage of the northern elevation amounted to some 190 sq.m.; the area of the visible southern elevation amounted to 147.5 sq.m. ; the area of the visible western elevation extended to 121 sq.m.; whilst the area of the visible eastern elevation extended to some 139 sq.m..
  - Accordingly, the total area of visible elevation of the approved 2006 dwelling amounted to 597.5 sq.m.
  - The drawings (282 FP 10 Rev.C 282 FP11 Rev.C) submitted to show the "as-built" dwelling suggested that there was no similar intention to "sink" the building into the surrounding land. Accordingly, the comparable area of visible frontages was 186 sq.m across the northern elevation; 147sq.m across the southern elevation; 191 sq.m. across the western elevation (including area screened by retaining wall not constructed); and 193 sq.m. across the eastern elevation.



- The total area of visible elevation of the “as-built” 2009 dwelling amounted, therefore, to 717 sq.m.
- Finally, insofar as external finishes are concerned:
- It is understood that the original bungalow was timber clad with small window and door openings and a pitched roof.
- The 2006 approved dwelling was very substantially glazed with some 80% of the frontage being glass set in a matt white structural uPVC; the wall areas were to be colour-washed render (heritage colour); and the relatively small area of monopitched canopy and ridged roof were to be clad in riven edged blue/black Welsh slates.
- The as built dwelling is also very substantially glazed with some 80% of the front elevation being glass but set within a grey coloured frame; the wall areas are stucco rendered and part-painted, whilst the ridged roof materials were not specified on the drawings but have actually been finished in a dark grey slate.

3.10 Accordingly, when the “as-built” dwelling is compared with the approved 2006 scheme it can be concluded that it is :

- Possibly, but not conclusively, higher.
- Narrower in width.
- Larger in depth.
- Larger in terms of internal floor area (by some 10.79%).
- Significantly larger in terms of the overall area of visible elevation (by just under 20%)
- And particularly significantly the western elevation of the as-built dwelling has a visible elevation which is some 36% larger than that shown on the 2006 approved dwellings.

3.11 The consequence of the above is that the “as-built” dwelling as shown on the drawings and as witnessed on site gives the impression of having significantly more external mass than does the approved 2006 dwelling.

#### **Has unauthorised development been carried out?**

3.12 Development is in breach of planning control if it has been carried out without the required planning permission or if it fails to comply with any condition subject to which planning permission was granted. Planning



permission was granted in 2006 in the terms shown at Appendix 1. The dwelling as built has been compared with the plans approved for the 2006 permission and the differences have been listed in paragraph 3.10 above. It is a matter of fact and degree whether the differences are material differences. It is a matter of record that no details were submitted for approval in accordance with conditions 5, 6 and 7. It is considered that the differences are material and that the details required have not been submitted and approved. Accordingly the dwelling as built is in breach of planning control.

3.13 A further question to be addressed is whether the failures are such that the 2006 permission has not been implemented at all. The general principle is that works which do not comply with an existing permission, and any conditions to which it is subject, are not permitted and are unlawful. There are certain recognised exceptions :

- i) Where a developer has applied for an approval under a condition before a given date and that approval is subsequently given so that no enforcement action can be taken, work done before the deadline in accordance with the scheme ultimately approved can amount to a start to development.
- ii) Where the planning authority has agreed to work starting without compliance with the relevant condition.
- iii) Where the relevant condition had been met in substance, although not in form.

3.14 Whether or not there is a wider category of exception may be argued but there are no facts to indicate that the recognised or possible exceptions apply here.

3.15 It is clear to your officers that the dwelling as built is "development carried out without planning permission", rather than "being works actually carrying out the 2006 permission although not complying with a condition of that permission".

3.16 Notwithstanding that, it is still necessary before enforcement action can be commenced to ask if the as-built scheme materially differs from the 2006 scheme and, if it does, whether there is any harm to amenity as a result. If the conclusion is that there is a material difference and a resultant harm to amenity, it is then necessary to establish what reasonable steps should be taken to remedy the breach.

**Irrespective of the unauthorised nature of the development, is it otherwise acceptable?**

3.17 The decision of the Authority to refuse the s73A application in July 2009 shows that the Authority did not then consider the development acceptable. The decision (Appendix 5) was that the 2009 scheme was:



- In conflict with the Development Plan, namely JUDP Policy 67 (criteria i), ii) and iv) thereof; Policy 56; and Policy 76 in that the dwelling as constructed does not achieve *an acceptable level of integration with the landform and setting of the site and it is, therefore, significantly more prominent and visually intrusive than both the original dwelling and the replacement dwelling (the fall-back situation) approved in 2006 under permission NP/06/076;*
- Unacceptable in that the proposed landscaping scheme will not reduce the visual intrusion such that the policy conflicts identified will be satisfactorily mitigated.

3.18 As is well known and documented the developer has largely completed the construction of a dwelling in accordance with the scheme which was refused. It therefore does not benefit from any planning permission. The developer / site owner therefore has the option of :

- Appealing to the Welsh Ministers against the refusal; or
- Seeking to persuade the Authority not to take enforcement action; or
- Seeking to persuade the Authority that modifications can be made to the scheme which will render the building acceptable.

3.19 In the absence of any action by the developer the issue for the Authority is whether or not to take enforcement action and, if it decides to take action, what form that action should take. In that respect paragraph 6 of TAN9 (Wales) makes it clear that enforcement action should not be taken *"simply to regularise development for which permission had not been sought, but which is otherwise acceptable."* The decisive issue, as addressed below, is whether the breach unacceptably affects public amenity.

**Does the scheme as implemented unacceptably harm "public amenity or the existing use of land and buildings meriting protection in the public interest"?**

3.20 The Authority has resolved that the proposal fails to meet the tests of the following JUDP policies:

- **Policy 67** which requires new development to *"not adversely affect the qualities and special character of the National Park and that development should not cause significant visual intrusion (criterion i), should not be insensitively and unsympathetically sited within the landscape (criterion ii), ..... and that it should harmonise with, or enhance, the landform and landscape character of the National Par (criterion iv)."*



- **Policy 56** which indicates that permission for replacement dwellings will only be granted if, amongst other criteria, *"the new dwelling is no more visually intrusive than the original dwelling"*.
- **Policy 76** which indicates that development will only be permitted where it is *"well designed in terms of siting, layout, form, scale, bulk, height, materials, detailing and contextual relationship with existing landscape and townscape characteristics"*.

3.21 Accordingly, an important test to be considered in advance of resolving to take enforcement action has already been considered by the Authority with the conclusion that the building, as constructed and as proposed to be constructed in the 2009 application, unacceptably harms public amenity, contrary to the public interest. Irrespective of that decision, and because of the nature of the potential enforcement action to be taken, the Authority should however decide afresh, in the light of all the information now available and the relevant tests as here set out, whether it is still of the opinion that the dwelling as built unacceptably affects public amenity.

3.22 It is your officers' view that, having reassessed the situation, the "as-built" dwelling does unacceptably affect public amenity because :

- It may be higher to ridge than the 2006 scheme.
- Although narrower in width, it is larger in depth than the 2006 scheme.
- It has an internal floor area that exceeds that approved in 2006 by in excess of 10%.
- Its overall area of visible elevation exceeds that of the approved 2006 scheme by just under 20%.
- Its western elevation has a visible elevation which is some 36% larger than that shown on the approved 2006 drawings.
- The "as-built" drawing, and the building constructed on site, therefore give the impression of having significantly more external mass than did the 2006 approved scheme, essentially because the 2006 approved scheme was proposed to be "sunk" into the surrounding ground whereas the "as-built" scheme appears to sit on top of it.
- Policy 56 requires replacement dwellings to be "no more visually intrusive than the original dwelling"; Policy 67 requires new developments "to not cause significant visual intrusion", to be sited sympathetically and sensitively within the landscape, and that the development should "harmonise with, or enhance, the landform and landscape character of the National Park; whilst Policy 76 requires



new development to be "well designed in terms of siting, layout, form, scale, bulk, height, materials, detailing and contextual relationship with existing landscape and townscape characteristics".

- 3.23 It is your officers' view that the "as-built" scheme is in serious conflict with those three Policies and that, accordingly, it does unacceptably affect public amenity. Also, its additional impact when compared with the approved 2006 scheme is considered significant enough to conclude that, even when compared with the fall-back position, there is an additional unacceptable impact which goes beyond what is reasonably acceptable when the effect on public amenity is taken into consideration.
- 3.24 Nevertheless, TAN9 (Wales) makes it clear that enforcement action should be commensurate and that it should remedy the effects of the breach, not punish the developer. Paragraph 8 of TAN9 (Wales) confirms that the initial aim should be to explore with the owner what steps, if any, could be taken to reduce the adverse effects on public amenity to an acceptable level. An option to be explored, therefore, is whether the scheme could be modified in some way to reduce its unacceptable impact to a level that would render it acceptable; in other words would a scheme, other than complete demolition, be capable of satisfactorily addressing the unacceptable harm to amenity caused? Steps to bring the development into conformity with the "fall back" position, which benefits from the 2006 permission, would clearly be acceptable and other steps may equally remove the harm. In that context two issues arise:
- Could the scheme be adapted to bring it into substantial compliance with the 2006 permission or otherwise remedy the harm to an acceptable extent?
  - If that were possible, could a form of enforcement action be taken that would allow the resultant development to be capable of being controlled by the Authority through condition?
- 3.25 In respect of the first point the changes to the 2006 approved scheme are such that a modification of the current scheme to bring it in line with the approved scheme is not considered possible without complete demolition and rebuild, essentially because the most significant differences are at the Lower Ground Floor Level where the floor area of the "as-built" scheme exceeds that of the approved 2006 scheme by some 99.88 sq.m. (69%). There appears, therefore, to be no reasonable prospect that the scheme can be so adapted as it is quite clearly a materially different scheme. Equally it is not considered that the dwelling as built can simply be modified so as to remedy the harm sufficient to render the development acceptable. However, as is recommended later, the prospect should first be explored formally with the applicant/owner before the option is finally dismissed.



- 3.26 On the second point, legal advice has been received that if the building was allowed to remain as a result of such "*under enforcing*", it would effectively receive unconditional permission under section 173(11) of the 1990 Act once the requirements of the notice had been carried out. It is only if all the requirements of the Authority could be specified as steps to be complied with under an Enforcement Notice that this would be acceptable as, for example, no condition could be imposed to regulate the use of the premises or other on-site measures at a later date. It is considered that the steps which could be specified in an Enforcement Notice, other than removal and re-instatement, could not validly regulate the development so as to remove the harm to amenity which has been identified. It has already been noted in that respect that the 2006 permission was subject to conditions and that the 2009 s73A application included details relevant to the 2006 conditions and was recommended for approval but only subject to those conditions. The prospect of an unconditional acceptable permission being granted for the retention of a modified building is therefore low.
- 3.27 In this circumstance the Authority is faced with a highly sensitive and conspicuous site within the National Park; with a circumstance where the applicant has already demonstrated a lack of respect for pre-commencement conditions attached to a valid permission; and with a circumstance where conditions will be essential to control external finishes, window and door details, landscaping and other details relating to external works. Conditions previously considered appropriate sought to regulate what would be lawful on the site on a continuing basis. The dwelling as built includes 69% more lower-ground floor accommodation than did the 2006 scheme, and it is not possible to determine that the floor levels of the as-built scheme, or the ridge levels of the roof, are strictly in accordance with those previously approved. The prospect of an unconditional consent in this location is therefore, it is recommended, unlikely and in conflict with the special purpose of National Park designation and the implementation of its JUDP and other relevant policies.
- 3.28 Accordingly, it is recommended that enforcement action and the issuing of an Enforcement Notice is necessary. Whilst the developer should be afforded the opportunity to demonstrate how he can bring the building back to the 2006 "fall-back" position, such "*under-enforcement*" or any other action to remedy the harm to amenity is, in the opinion of your officers, not likely to lead to an acceptable position for the Authority. Nevertheless, the developer should be invited to undertake the exercise.

**What steps should be required to be implemented by an Enforcement Notice?**

- 3.29 TAN9 (Wales) requires enforcement action to be "*commensurate with the breach of planning control to which it relates*". In other words it must be proportional to the scale and nature of the breach.



- 3.30 There are a number of options in this respect but the issuing of a Breach of Condition Notice under section 187A of the Act is not one such option as the breach to be enforced against is not merely the applicant's failure to comply with the terms of a condition or conditions of the 2006 permission but, explicitly, the carrying out of development without any planning permission at all. Additionally, as has already been demonstrated, it is considered highly unlikely that the implemented works can be modified in such a manner that the result will be, in effect, the approved 2006 scheme or an otherwise acceptable form of development. However, in line with TAN9 advice, the option should be given to the owner to attempt to secure such modifications before concluding that they are not feasible and before, therefore, taking enforcement action to remove the building. In the event that the owner does demonstrate that there are acceptable modifications possible, they could then be included as the specific steps to be taken in the Enforcement Notice.
- 3.31 Accordingly, it is recommended that no enforcement action should be pursued until that exercise has been completed.
- 3.32 If that exercise is undertaken by the developer and it demonstrates that an acceptable modification consistent with the 2006 permission or otherwise remedying the harm identified is either not feasible, or it is unacceptable to the owner, then the only enforcement option open to the Authority is to seek the demolition of the building and to require the site to be reinstated to its pre-development condition. Whilst such a requirement is significant, the test is whether it is proportional to the breach. In your officers' opinion, it is, because:
- The implemented development is harmful to the amenity of the National Park and contrary, therefore, to the public interest.
  - The development is in conflict with the stated policies of the JUDP.
  - The development, it is anticipated, will be found to be incapable of being modified in a manner that will make it consistent with the "*fall-back position*", the 2006 permission, and/or to remedy the harm to amenity to an acceptable extent.
  - Even if the building could be modified through a form of "*under-enforcement*" the "*permission*" rendered would be unconditional which would be unacceptable to the Authority.
  - There is no other option but its removal.

## 4 RECOMMENDATION

- 4.1 It is therefore recommended that, in the first instance, an approach should be made to the owner to invite him to explore whether the



development can be modified to bring it in line with the 2006 permission and/or to remedy the harm to amenity to an acceptable extent.

- 4.2 If it is found that it is possible to do so, consideration should then be given to whether it is acceptable to the Authority that a form of "*under-enforcement*" is taken which, through formal enforcement action, brings the development in line with the 2006 permission but without the possibility of conditions to control the development being attached.
- 4.3 If such a situation is unacceptable to the Authority, then an Enforcement Notice should be issued which seeks to remedy the breach by :
- Removing the building, hardstanding and driveway.
  - Removing from the land all building materials and rubble arising from compliance with the first requirement.
  - Restoring the land to its condition before the breach took place by levelling and resurfacing that part of the land disturbed by the unauthorised works, consistent with the contours and features shown on the submitted 2005 Existing Survey drawing.
- 4.4 As already stated a draft of the Enforcement Notice is attached at Appendix 2.



Town and Country Planning Act 1990

**PLANNING PERMISSION (FORM D)**

Name and address of applicant

Mr N Nicholas  
c/o agent

Name and address of Agent (if any)

Mr G Davies  
15 Connacht Way  
Pembroke Dock  
Pembrokeshire SA72 6FB**Part I - Particulars of application:**

<b>Date of application:</b>	17/02/2006	<b>Application Number:</b>	NP/06/076
-----------------------------	------------	----------------------------	-----------

<b>Particulars and location of development:</b>	Demolish existing dwelling & build new house Bettws Newydd, The Parrog, Newport
---	--

**Part II - Particulars of decision:**

The PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that PERMISSION HAS BEEN GRANTED for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of FIVE YEARS beginning with the date of this permission.
2. The development hereby permitted shall be carried out, and thereafter retained, strictly in accordance with the amended plan received by the National Park Authority on 24th July, 2006 and subject to any following conditions.
3. Following site clearance and prior to the commencement of any construction work, site profiles of the external ground and internal finished floor levels shall be set out on site for approval by the National Park Authority.
4. Prior to the commencement of development the existing dwelling shall be demolished, and all material arising there from be permanently removed from the site.
5. A schedule of external finishes and colours to be submitted to the National Park Authority for approval, in writing, prior to the commencement of work.
6. Full details of all windows and doors (including their means of opening, glazing bars and framing), dormers, soffits, fascias, and verges shall be submitted to the National Park Authority for approval in writing prior to the commencement of the construction of the dwelling.

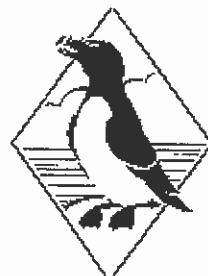
**Note:**

The permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, order or regulation.

*Catharine Helen*  
For the National Park Authority

**Pembrokeshire Coast  
National Park Authority**

Llanion Park  
Pembroke Dock  
Pembrokeshire SA72 6DY  
Tel: 0845 345 7275  
Fax: 01646 689076  
Email: pcnp@pembrokeshirecoast.org.uk



Date:

17 OCT 2006



7. A suitable and comprehensive scheme for the soft and hard landscaping of the site shall be submitted to the National Park Authority for approval, in writing, prior to the commencement of work. Such a scheme shall take full account of the natural trees and shrub species on the site and in the area in general. The scheme should also include measures for the retention and management of the wetland scrub on the site.
8. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development, fail, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written consent to any variation.
9. All existing hedgebanks and natural stone boundary walls indicated on the approved plan shall be retained and protected at all times.
10. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order) any electricity or telephone supplies to the site shall be by underground cables.
11. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995, (relating to extensions to, and changes to the external appearance of, the dwelling and to development or the siting of a caravan within the curtilage of the dwellinghouse), no development of Parts I, 2 and 5 of Schedule 2 to that Order (or any Order revoking or re-enacting that Order) shall be carried out without specific planning permission being obtained.
12. Foul water and surface water discharges must be drained separately from the site.
13. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
14. No land drainage run-off will be permitted to discharge to the Public Sewerage System.
15. The parking and turning area shown on the submitted drawings shall be made up to the satisfaction of the National Park Authority before the development is brought into use and thereafter shall be used for no purpose other than parking and turning.

## Reasons:

1. Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990.
- 2, 3, 4, 6. To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area. (Dyfed Structure Plan Policies EN3 and EN13; PCNP Local Plan Policy GE1 - Development in the National Park)
5. To preserve the character of the area. (Dyfed Structure Plan Policies EN3 and EN13; PCNP Local Plan Policy GE1 - Development in the National Park)
- 7, 8. In the interests of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area. (Dyfed Structure Plan EN13 PCNP Local Plan, Policy LA1 Conservation of Landscape Character)
9. In the interests of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area. (PCNP Local Plan, Policy LA1 Conservation of Landscape Character, LA4 Trees and Woodlands)
10. To preserve the character of the area. Dyfed Country Structure Plan Policy EN13 and



PCNP Local Plan Policy GE1 (Development in the National Park)

11. To preserve the character of the area. (PCNP Local Plan Policy GE11 - Removal of Permitted Development Rights)
12. To protect the integrity of the Public Sewerage system. (PCNP Local Plan Policy PU2 - Utilities)
- 13, 14. To prevent hydraulic overload of the Public Sewerage System and Pollution of the Environment. (PCNP Local Plan Policies PU2 - Utilities and PU3 - Water Resources)
15. To reduce the likelihood of obstruction of the highway or danger to road users.

Notes to Applicant:

The attention of the applicant is drawn to the following notes:

The Environment Agency advises that:

See attached Guidance Notes.

Dwr Cymru Welsh Water have made the following comments:-

If a connection is made to the public sewerage system, the developed is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel. No. 01443 331155.

Note to Applicant: The site does contain an active badger sett, and a licence may be required under the Protection of Badgers Act 1992. Prior to the commencement of any works, advice should be sought from the Countryside Council for Wales on the need for such a licence.

## Appeals to the Secretary of State:

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Wales under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Welsh Office, Cathays Park, Cardiff CF1 3NQ.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted permission for the proposed development or could not have been granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under that order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

## Purchase Notes:

If either the local planning authority or the Secretary of State for Wales refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



**IMPORTANT -THIS COMMUNICATION AFFECTS YOUR  
PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**(as amended by the Planning and Compensation Act 1991)**

**ENFORCEMENT NOTICE**

**Issued by: Pembrokeshire Coast National Park Authority**

1. **THIS NOTICE** is issued by the Authority because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A (1) of the above Act, at the land described below. They consider that it is expedient to issue the notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

**2. THE LAND TO WHICH THE NOTICE RELATES**

Land known as Bettws Newydd, Parrog, Newport Pembrokeshire shown edged red on the attached plan.



### 3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the erection of a dwelling house including 3 storey elements together with garaging and associated driveway and hardstanding and related groundworks earthworks and landscaping in the approximate position marked on the plan attached.

### 4. REASONS FOR ISSUING THIS NOTICE

It appears to the Authority that the above breach of planning control occurred within the last four years. Construction was commenced within that period and the building is now substantially complete.

On 2 July 2006 the Authority granted permission for the construction of a dwelling on the site in question to replace an existing dwelling. The permission was subject to a number of conditions including a condition (condition 2) that the development permitted shall be carried out, and thereafter retained, strictly in accordance with the amended plan received on 24 July 2006. Further conditions 5, 6 and 7 required certain information as there specified to be submitted to the National Parks Authority for approval prior to the commencement of work.

The dwelling now constructed is not in accordance with the approved plans and is different in scale, dimension, style and layout. The work was commenced without providing any information for approval as required by each of the conditions 5, 6 and 7 of the 2006 permission. Accordingly the development



carried out was not implementation of the 2006 permission and has been carried out without the required planning permission.

Application for permission to carry out the development as constructed further to Town and Country Planning Act 1990 s73A was refused on 2 July 2009 for the reasons stated in the notice of refusal.

The Authority has considered the matter in the light of the above and the justification for enforcement action and has concluded that the dwelling as constructed does not achieve an acceptable level of integration with the land form and setting of the site. As a result it is significantly more prominent and visually intrusive than both the original dwelling and the dwelling approved in 2006. Nor does it reflect the proportions of other buildings on The Parrog. It is therefore in conflict with criteria i), ii) and iv) of JUDP Policy 67 (Conservation of Pembrokeshire Coast National Park), criterion iv) of JUDP Policy 56 (Replacement Dwellings) and JUDP Policy 76 design.

It is considered that the dwelling as constructed unacceptably injures public amenity, that action as below is commensurate with the breach and in particular that the dwelling as constructed causes unacceptable harm when compared with the position were the 2006 permission to be implemented. Landscaping and/or the imposition of conditions cannot overcome the objections to development and planning permission should not be granted. It is not practicable or possible to specify steps to ensure that the development complies in all respects with the 2006 permission and approved plans, including the conditions attached thereto or is otherwise acceptable.



### **5. POLICIES RELEVANT TO THE DECISION TO ISSUE A NOTICE**

[Please set out the policies 67, 56 and 76 as on the copy attached to the s73A refusal and any other relevant policy.]

### **6. WHAT YOU ARE REQUIRED TO DO**

- (i) Remove the building, hardstanding and driveway
- (ii) Remove from the land all building materials and rubble arising from compliance with requirement (i) above and restore the land by levelling and restoring the area of developed ground to correspond with its condition on the site survey submitted with the 2006 application.

### **7. TIME FOR COMPLIANCE**

4 months for requirement (i).

9 months for requirement (ii).

### **8. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on ??? unless an appeal is made against it beforehand.

Dated

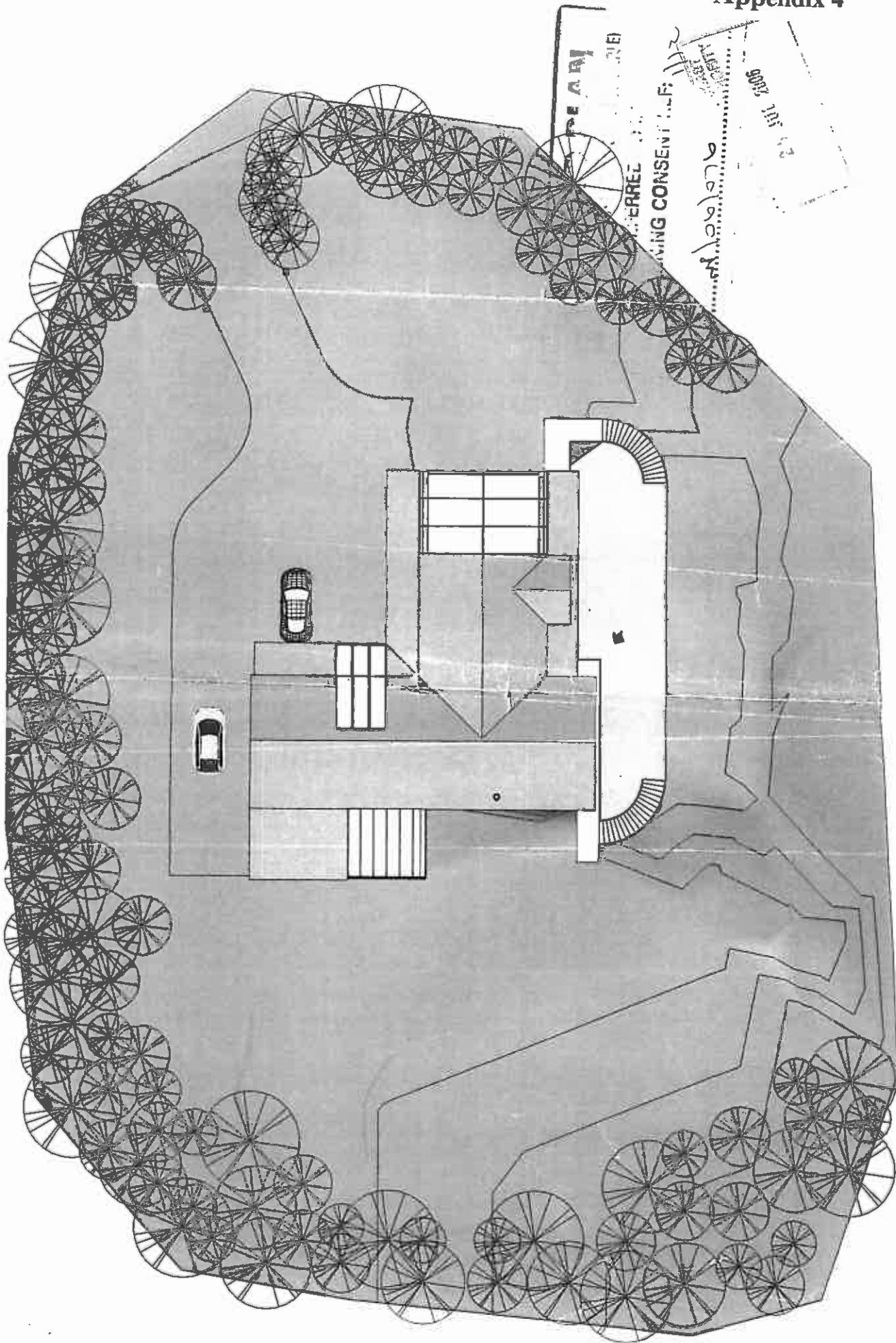
Signed

**ANNEX**






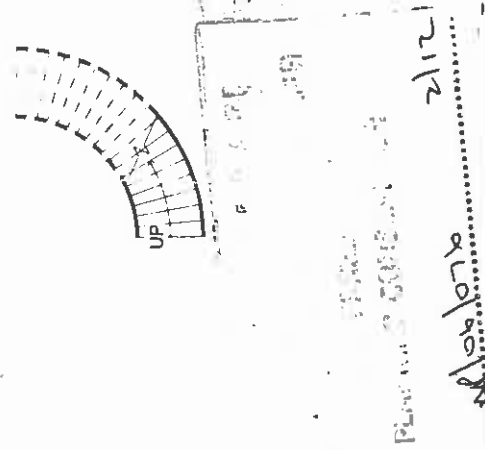
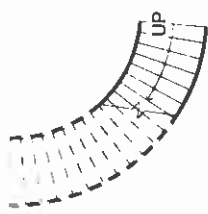
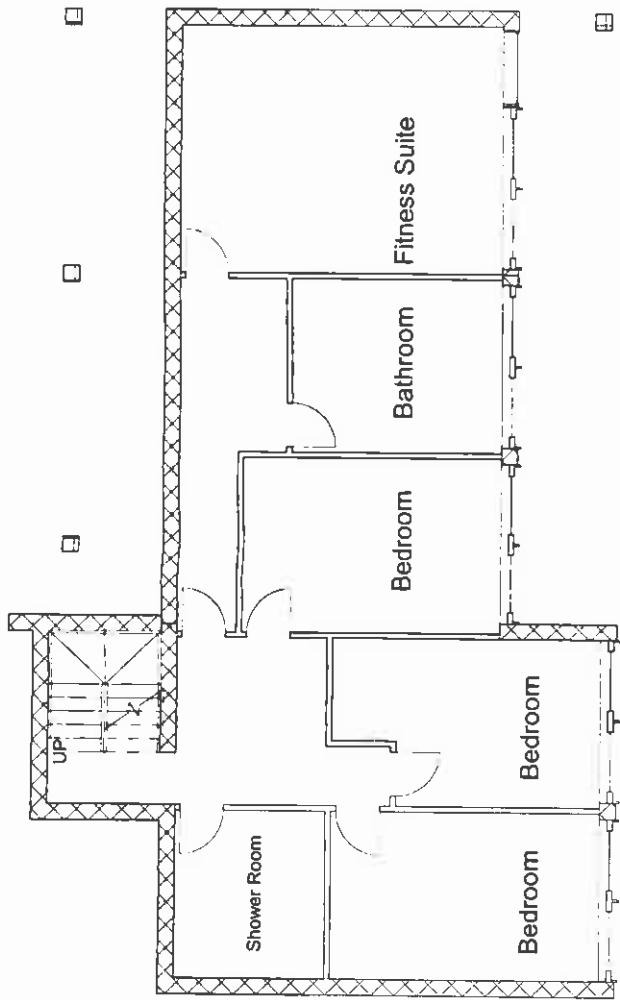




PERMIT  
PLANNING CONSENT REF: 112  
11/11/2007  
11/11/2007

 Ceredigion Council COUNCIL CHAMBERS 10, MARKET STREET CARDIGAN SA42 7AA		<b>Mr &amp; Mrs Nicholas</b>  New Dwelling, Bettws Newydd, Parrog, Newport, Pembro		<b>Site Plan</b>		Project Number <b>NP 001</b>		1:200	
No		Description		Date		Project number		Issue Date	
						Date		Author	
						Drawn by		Checked by	
						Scale			

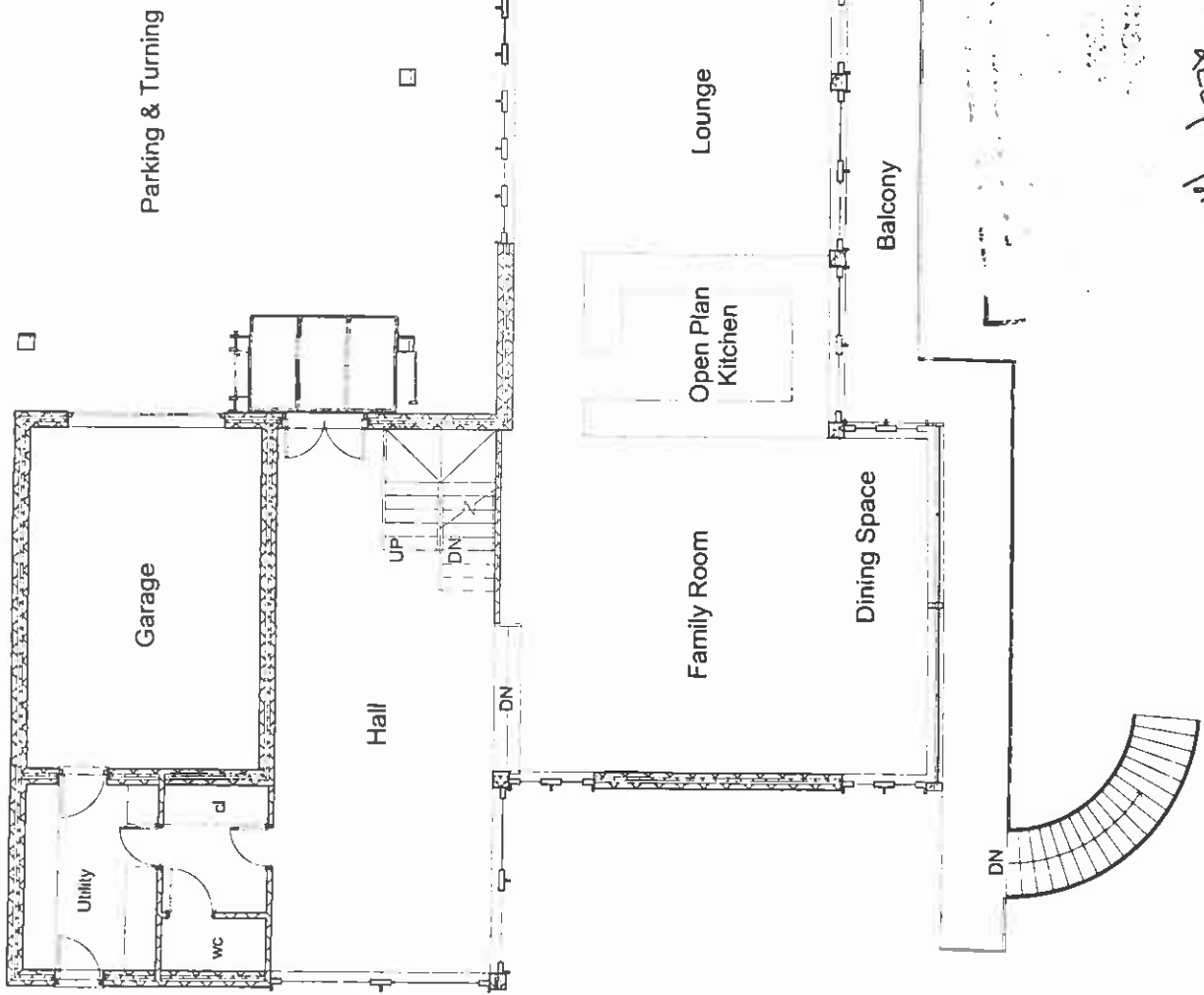





		<b>Lower Ground Floor Plan</b>	
<b>Mr &amp; Mrs Nicholas</b>		<b>NP 002</b>	
<b>New Dwelling, Bettws Newydd, Parrog, Newport, Pembro</b>		<b>Project Number</b>	
<b>Date</b>		<b>Issue Date</b>	
<b>Description</b>		<b>Author</b>	
<b>No.</b>		<b>Checked by</b>	
<b>Date</b>		<b>Scale</b>	
<b>100</b>		<b>100</b>	



# Appendix 4

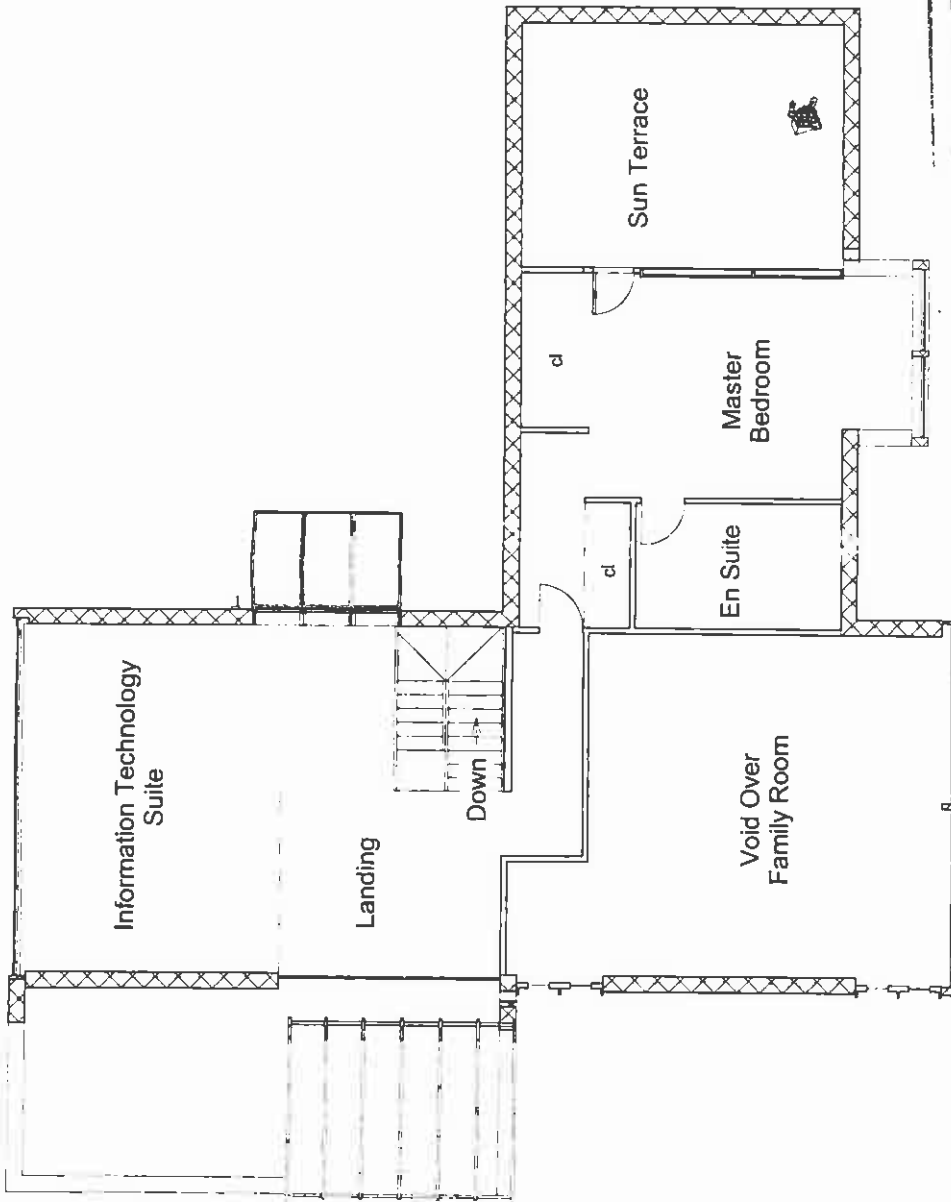


*Nil/000/078 3/12*

 COUNCIL OF WALES AND MONMOUTHSHIRE		Upper Ground Floor Plan	
		Project number _____ Project Number _____ Date _____ Issue Date _____ Drawn by _____ Author _____ Checked by _____ Checker _____	
Mr & Mrs Nicholas New Dwelling, Bettws Newydd, Parrog, Newport, Pembro		NP 003	
No. _____		Scale 1:100	
Description _____		Date _____	




# Appendix 4



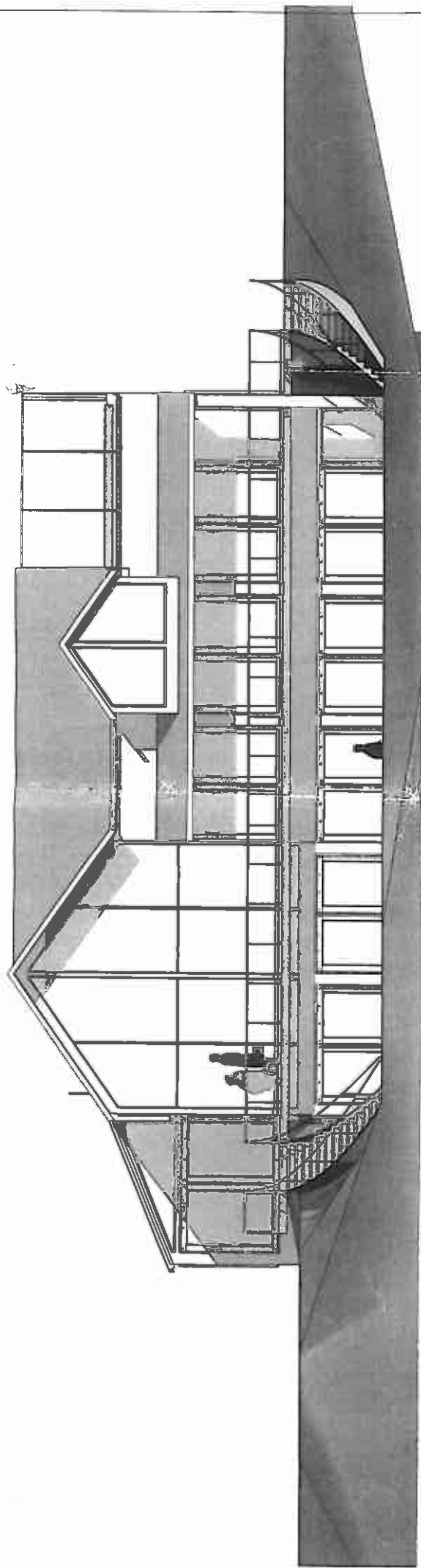
Refer to  
PLANNING CONSENT 100

4/12

 <b>Gordon Dwyer Architects</b> 200-201 West Street, Suite 201, Sydney, NSW 1570		<b>Roof Space Floor Plan</b>		Project number: Date: Drawn by: Checked by:	Project Number: Issue Date: Author: Checker:	NP 004 Scale: 1:100
		Mr & Mrs Nicholas New Dwelling, Bettws Newydd, Parrog, Newport, Pembrokeshire		Date:		No.: Description: Date:




- Roof - Riven edged Blue/Black Welsh slates
- Walls - Colour washed render - Heritage colour
- Windows - Structural uPVC in matt white
- Drive - Dark grey brick sets



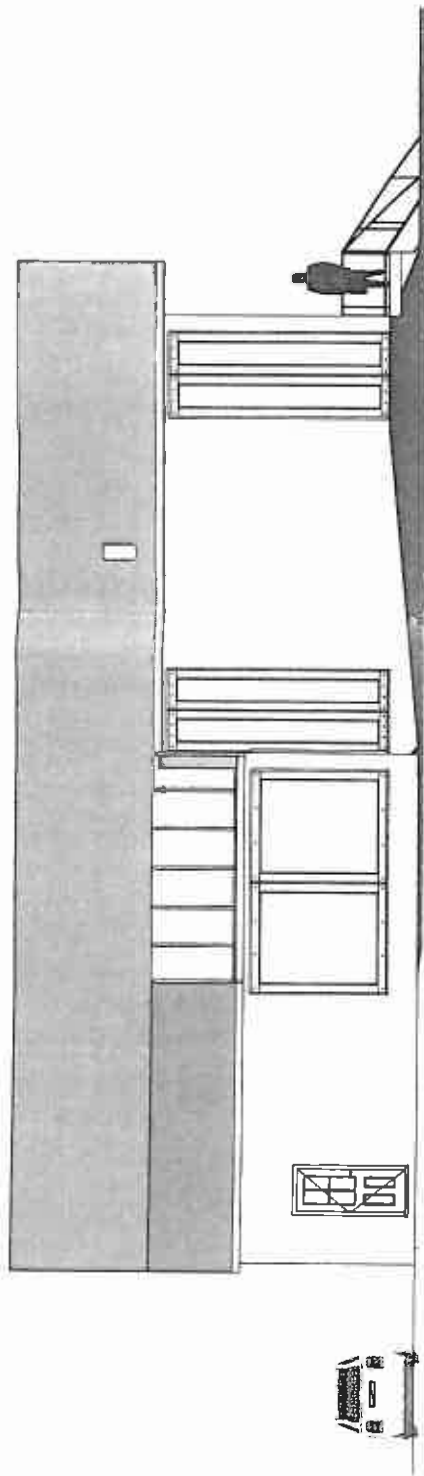
1 South  
1 : 100



		Description No		Date	
Mr & Mrs Nicholas New Dwelling, Betws Newydd, Parrog, Newport, Pembrokeshire		South Elevation		Project Number NP 005	
Date Drawn by Checked by		Project Number Issue Date Author Checker		Scale 1 : 100	



- Roof - Riven edged Blue/Black Welsh slates
- Walls - Colour washed render - Heritage colour
- Windows - Structural uPVC in matt white
- Drive - Dark grey brick sets



## Appendix 4

West

1 : 100

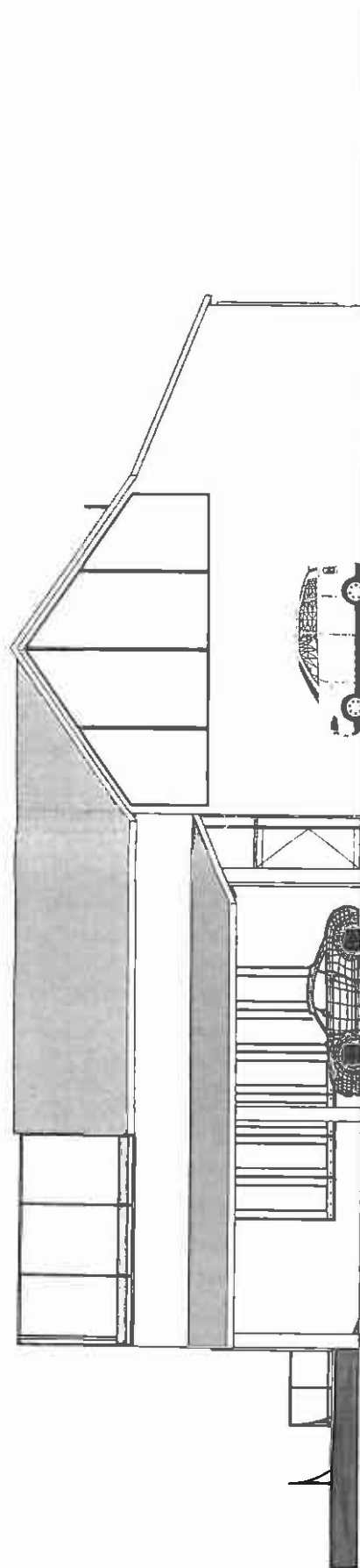


PLANNING CONSENT REF: 6112

		<b>West Elevation</b>		<b>NP 006</b>
No	Description	Date	Project number	Project Number
			Date	Issue Date
			Drawn by	Author
			Checked by	Checker
			Scale 1 : 100	
<b>Mr &amp; Mrs Nicholas</b> New Dwelling, Betws Newydd, Parrog, Newport, Pembrokeshire				




### Drive - Dark grey brick sets



1 : 100

## Appendix 4

		GORDON DAVIES 100, 101 & 102, THE BRIDGE ST. ALBANS, Herts. AL1 1AB		01438 551111 01438 551112	
No	Description	Date			

Mr & Mrs Nicholas			North Elevation			
New Dwelling, Bettws Newydd, Parrog, Newport, Pems			Project number	Project Number	NP 007	
			Date	Issue Date		
			Drawn by	Author		
			Checked by	Checker		
					Scale	1 : 100





STUDYING CONSENT

Mr & Mrs Nicholas

3D views (1 of 4)

NP 009

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

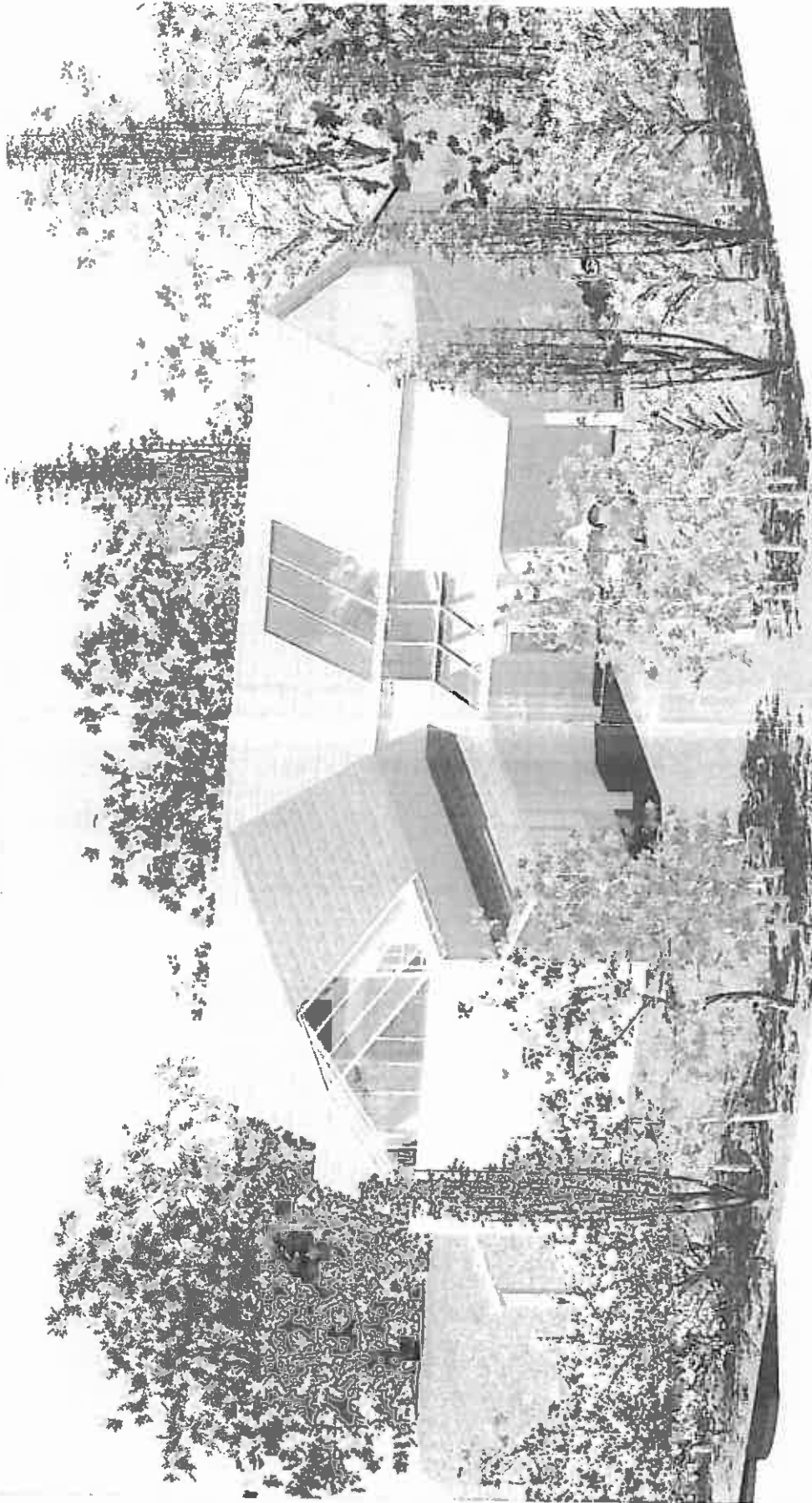
**New Dwelling, Bettws Newydd, Parrog.  
Newport, Pems**

Scale \_\_\_\_\_

[illegible]



# Appendix 4



3D Views (2 of 4)

Mr & Mrs Nicholas

10/1/12

New Dwelling, Bettws Newydd, Parrog,  
Newport, Pembro

NP 010

Scale

1:10

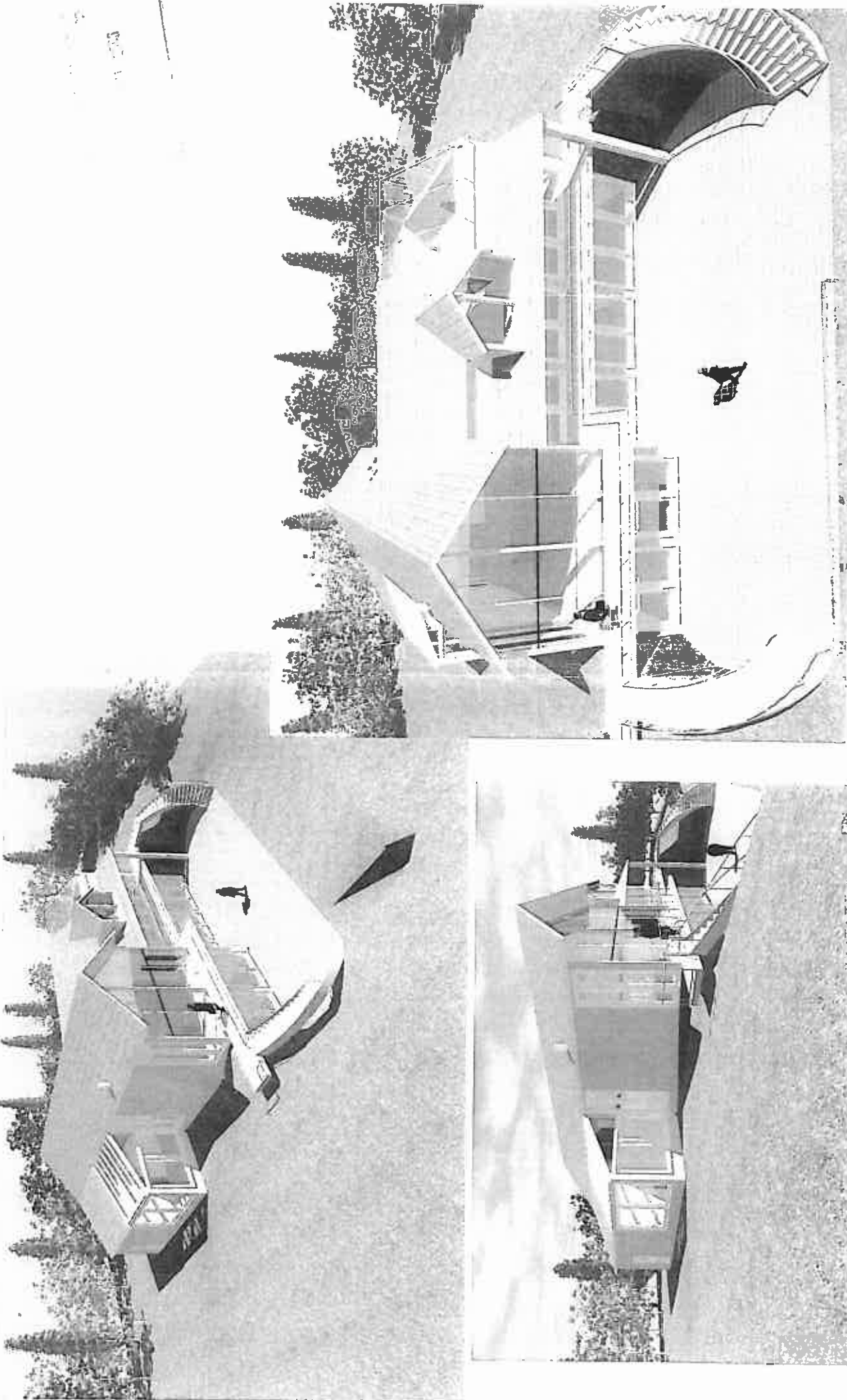
No.	Description	Date

CHARTERED ARCHITECTS

CHARTERED ARCHITECTS







# 3D Views (3 of 4)

Mr & Mrs Nicholas

New Dwelling, Bettws Newydd, Parrog,  
Newport, Pembro

NP 011

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

Scale

1 : 10

Date

Description

No

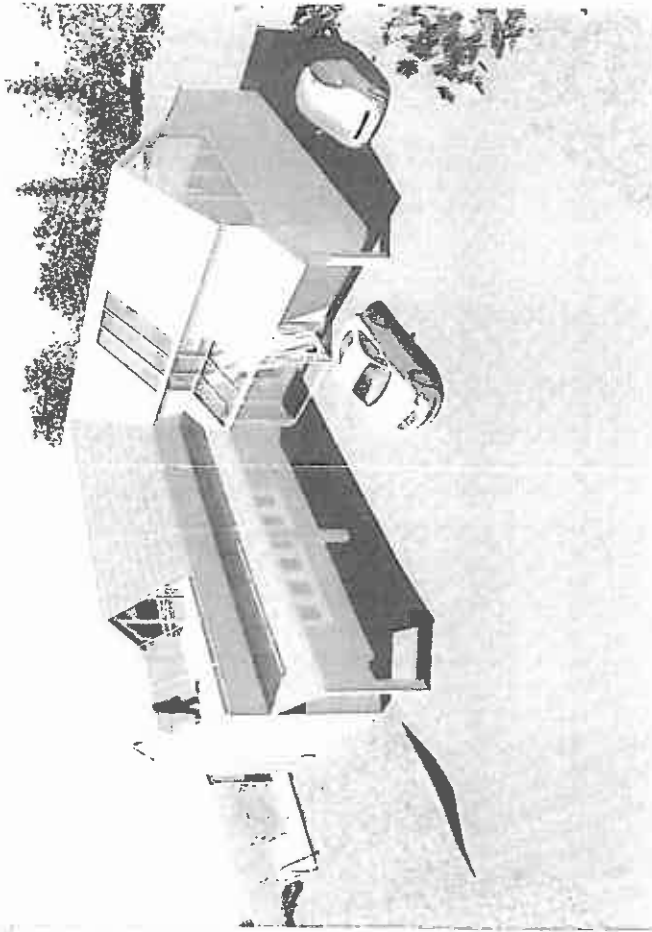
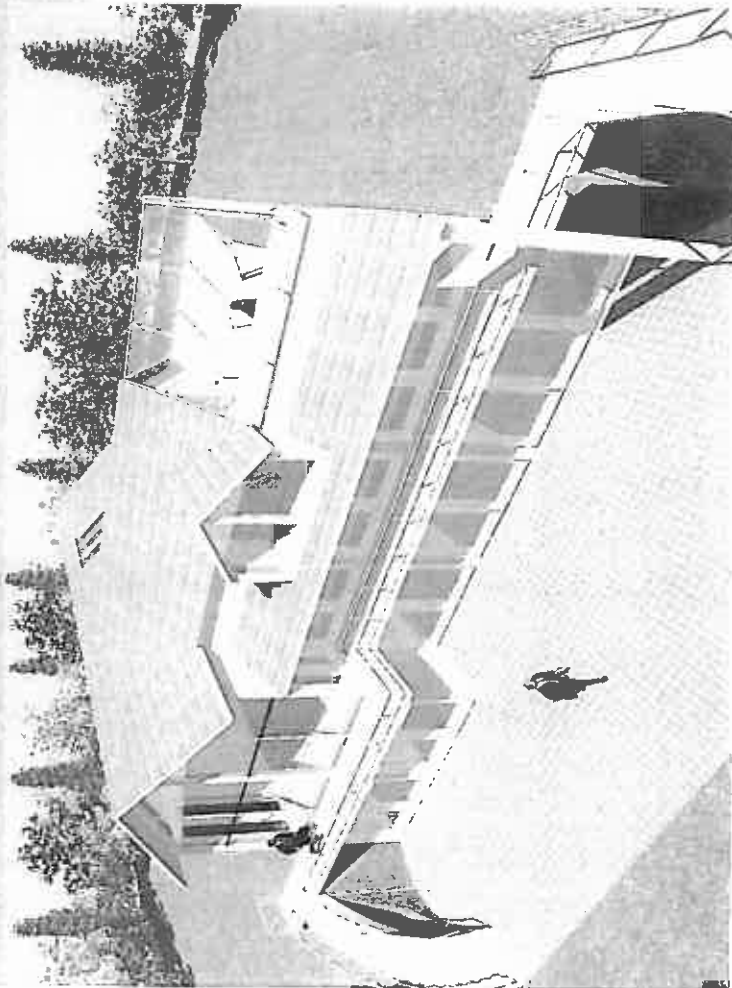
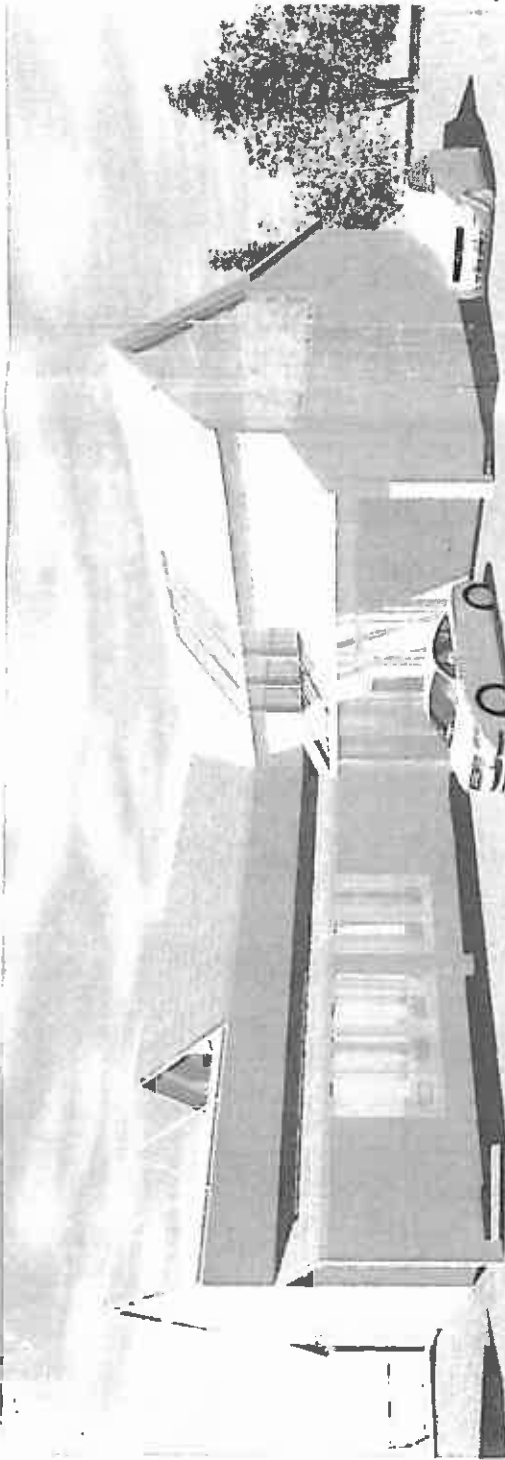
WATERLOO HOUSE

CONCRETE WORKS





# Appendix 4



NP/20/0570 12/12  
 NEW DWELLING CONSENT 100%  
 100% CONSENT 100%

		Mr & Mrs Nicholas New Dwelling, Bettws Newydd, Parrog, Newport, Pems		3D Views (4 of 4)	
No.	Description	Date	Project number	Project Number	NP 012
			Date	Issue Date	
			Drawn by	Author	
			Checked by	Checker	
				Scale	1 : 10



**REFUSAL OF PLANNING PERMISSION**

## Name and address of applicant

Mr & Mrs Nicholas  
Noddfa  
Heol Cwm Bach  
Drefach  
Llanelli  
Carmar SA14 7AD

## Name and address of Agent (if any)

Mr J Davies  
Arwain Architects  
9 Park Terrace  
Carmarthen  
Carmarthenshire SA31 3DG

**Part I - Particulars of application:**

<b>Date of application:</b>	31/07/2008	<b>Application Number:</b>	NP/08/361
<b>Particulars and location of development:</b>	Variation of Condition No. 2 on NP/06/076 under Section 73a & discharge of planning conditions 5, 6 and 7 Bettws Newydd, Parrog, Newport		

**Part II - Particulars of decision:**

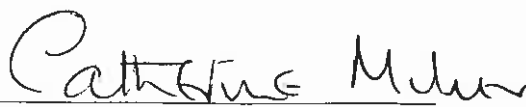
The PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that PERMISSION HAS BEEN REFUSED for the carrying out of the development referred to in Part I hereof for the following reasons:

1. The dwelling as constructed does not achieve an acceptable level of integration with the land form and setting of the site. As a result it is significantly more prominent and visually intrusive than both the original dwelling and the replacement dwelling approved under permission NP/06/076, it does not reflect the proportions of the other buildings on The Parrog, and it is therefore in conflict with criteria i), ii) and iv) of JUDP Policy 67 (Conservation of Pembrokeshire Coast National Park), criterion iv) of JUDP Policy 56 (Replacement Dwellings) and JUDP Policy 76 design.

NOTE: Copies of the policies are attached in full.

2. Notwithstanding the fall back position encompassing permission NP/06/076, to the extent that it is relevant, the proposed landscaping scheme will not reduce the visual intrusion such that the conflicts identified in Reason 1 will be satisfactorily mitigated.

**Appeals to the Secretary of State:**

  
For the National Park Authority

Date:

**- 2 JUL 2009****Pembrokeshire Coast  
National Park Authority**

Llanlon Park  
Pembroke Dock  
Pembrokeshire SA72 6DY  
Tel: 0845 345 7275  
Fax: 01646 - 689076  
Email: pcnp@pembrokeshirecoast.org.uk





If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Wales under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Welsh Office, Cathays Park, Cardiff CF1 3NQ.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted permission for the proposed development or could not have been granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under that order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

### **Purchase Notes:**

If either the local planning authority or the Secretary of State for Wales refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



**Relevant Policies- NP/08/361- Bettws Newydd, Parrog, Newport, Pembs**

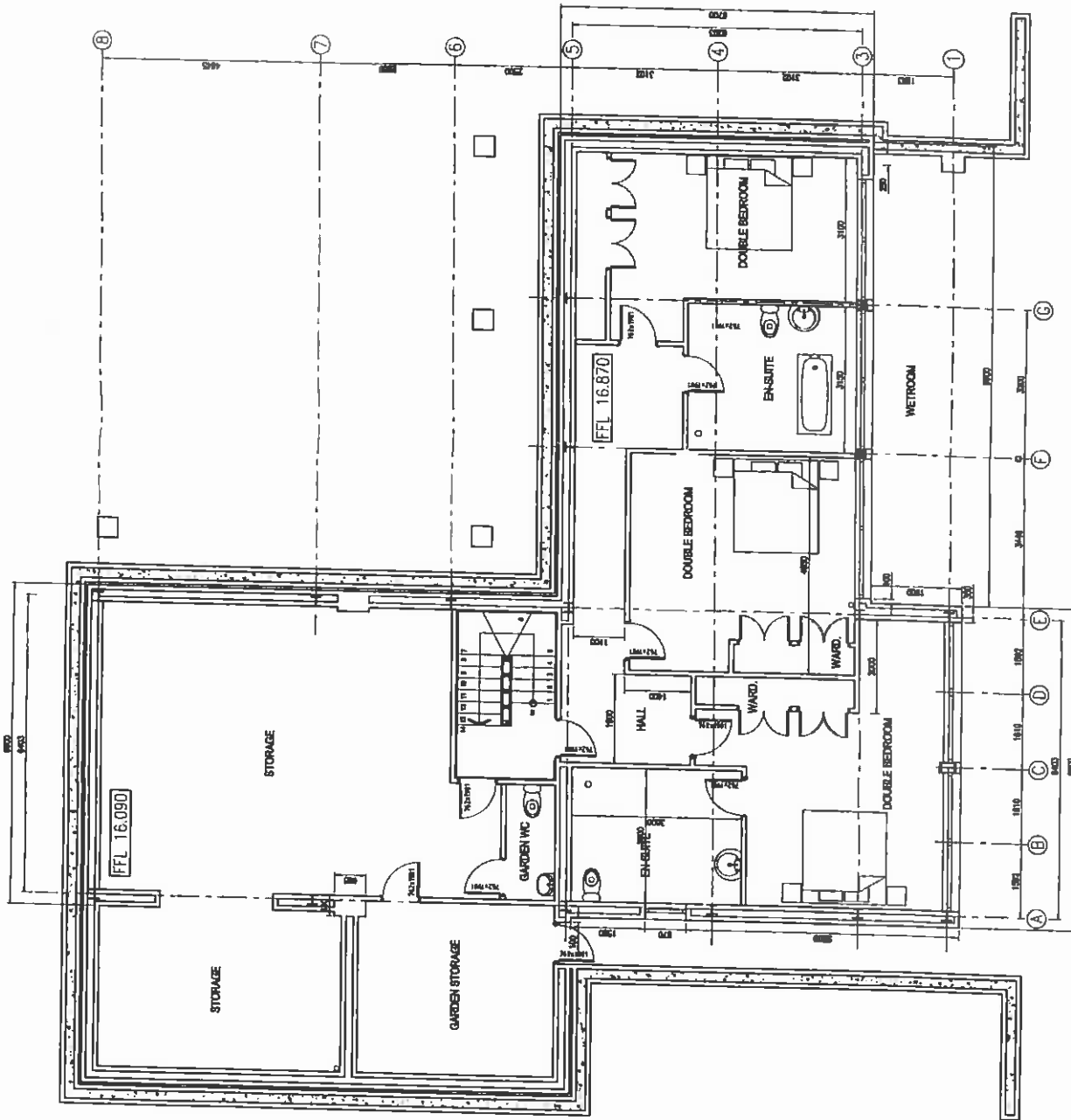
- a) Policy 67- Conservation of the Pembrokeshire Coast National Park-**  
Development and land use changes will not be permitted where these would adversely affect the qualities and special character of the Pembrokeshire Coast National Park by:-
- i. causing significant visual intrusion; and/or
  - ii. being insensitively and unsympathetically sited within the landscape; and/or
  - iii. introducing or intensifying a use which is incompatible with its location; and/or
  - iv. failing to harmonise with, or enhance the landform and landscape character of the National Park; and/or
  - v. losing or failing to incorporate important traditional features.
- b) Policy 56 –Replacement Dwellings-** Planning permission will only be granted for the replacement of a dwelling if:-
- i) the present dwelling has a lawful residential use; and
  - ii) the present dwelling is not the result of a temporary permission; and
  - iii) the new dwelling is sited to preclude retention of the dwelling it is to replace or there is a condition or planning obligation to ensure the demolition of the latter upon completion of the new dwelling; and
  - iv) the new dwelling is no more visually intrusive than the original dwelling.
- c) Policy 76- Design-** Development will only be permitted where it is well designed in terms of siting, layout, form, scale, bulk, height, materials, detailing and contextual relationship with existing landscape and townscape characteristics. The effects of layout and/or resource efficiency in building such as orientation, water conservation, adaptability and the use of environmentally sensitive materials will also be important considerations in the evaluation of planning applications.



# APPENDIX 6

Widened  
- 1 OCT 2008  
National Park Authority

**arwain**  
architects  
9 Park Terrace Carmarthen Carmarthenshire Wales SA31 3DG  
Tel / Fax: 01287 235980 Email: jn@arwain.lanwl.co.uk  
Mobile: 07747 811521



LOWER GROUND FLOOR PLAN

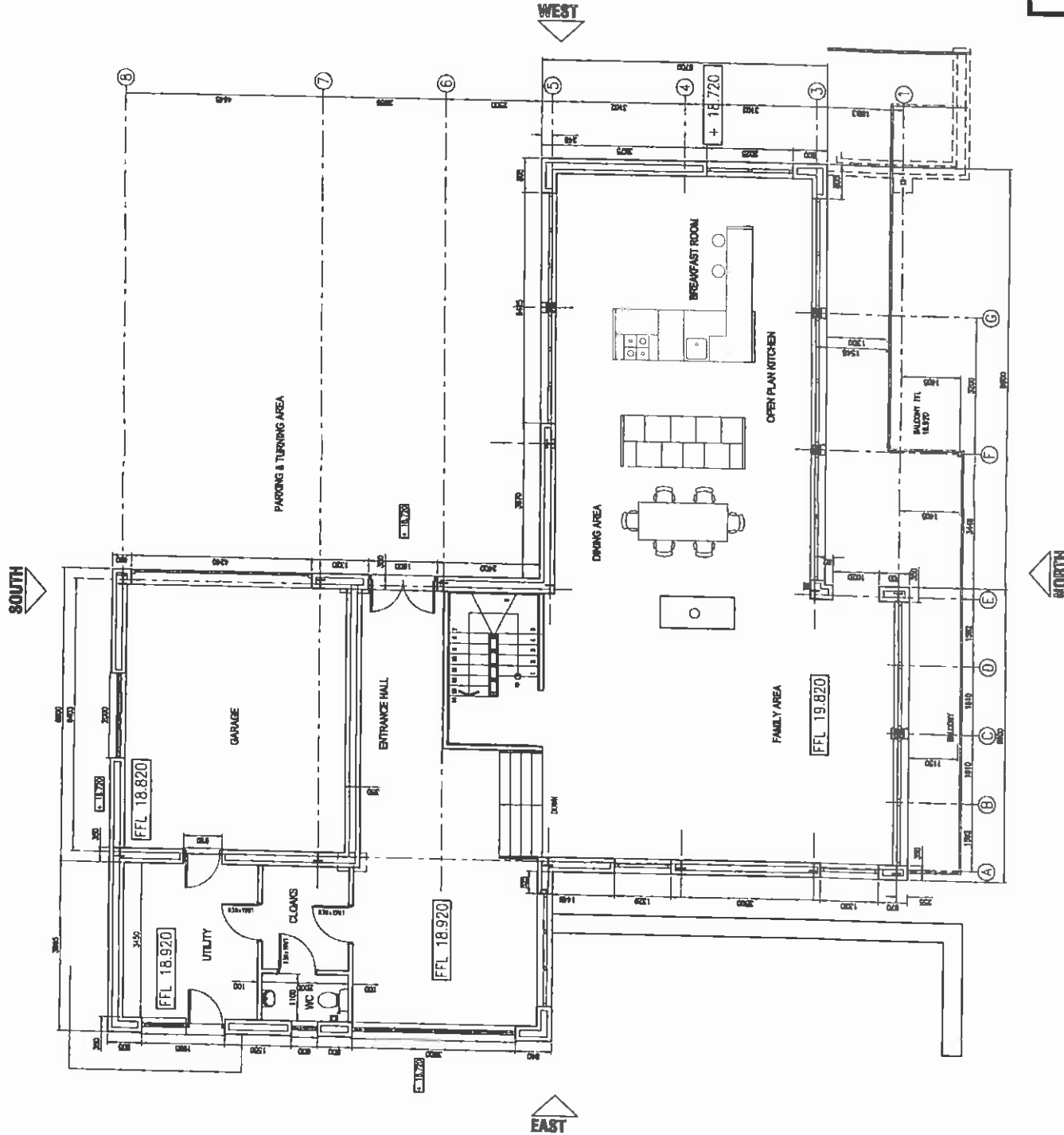
Client	Project	Drawing Title	Scale	Drawing	Date	Drawn	Planning re-submission	July 2008
MR & MRS NICHOLAS	NEW DWELLING AT BETTWS NEWYDD, PARROG, NEWPORT, PEMBROKESHIRE	LOWER GROUND FLOOR PLAN	1:100	282 FP01 REV. B	December 2007	JJD		



# APPENDIX 6

Proposed Shift (East)  
- 1 OCT 2008  
National Park Authority

**arwain**  
architects  
8 Park Terrace Carmarthen Carmarthenshire Wales SA31 3DG  
Tel / Fax: 01287 235980 Email: jeff@arwain.fsnet.co.uk  
Mobile: 07747 811621



GROUND FLOOR PLAN

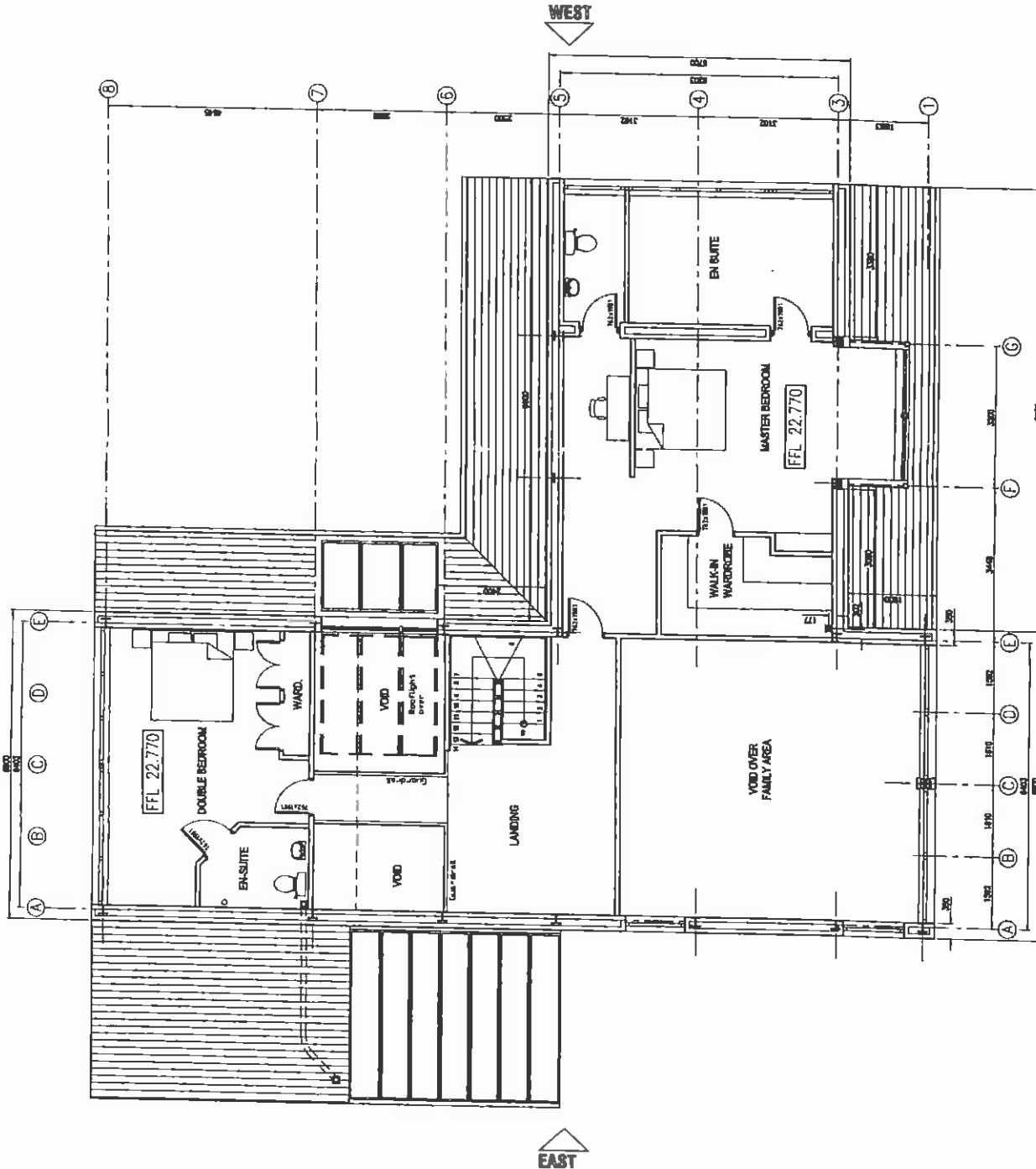
Project	NEW DWELLING AT BETTWS NEWYDD, PARROG, NEWPORT, PEMBROKESHIRE	Drawing Title	GROUND FLOOR PLAN	Scale	1:100	Drawing	282 FP02 Rev. B	Date	December 2007	Drawn	JJD	Planning re-submission	July 2008
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# APPENDIX 6

Pembrokeshire Coast  
- 1 OCT 2008  
National Park Authority

**arwain**  
architects  
9 Park Terrace Carmarthen Carmarthenshire Wales SA31 3DG  
Tel / Fax: 01267 225980 Email: jeff@arwain.co.uk  
Mobile: 07747 811521



FIRST FLOOR PLAN

Project	NEW DWELLING AT BETTWS NEWYDD, PARROG, NEWPORT, PEMBROKESHIRE	Drawing Title	FIRST FLOOR PLAN	Scale	1:100	Drawing	282 FP03 Rev. B	Date	December 2007	Drawn	JJD	Planning re-submission	July 2008
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PROPOSED COLOUR SCHEME

WALLS: to be stucco rendered and painted.  
 Colour: Dulux Celtic Forest No. 4 - 80YY 87/117

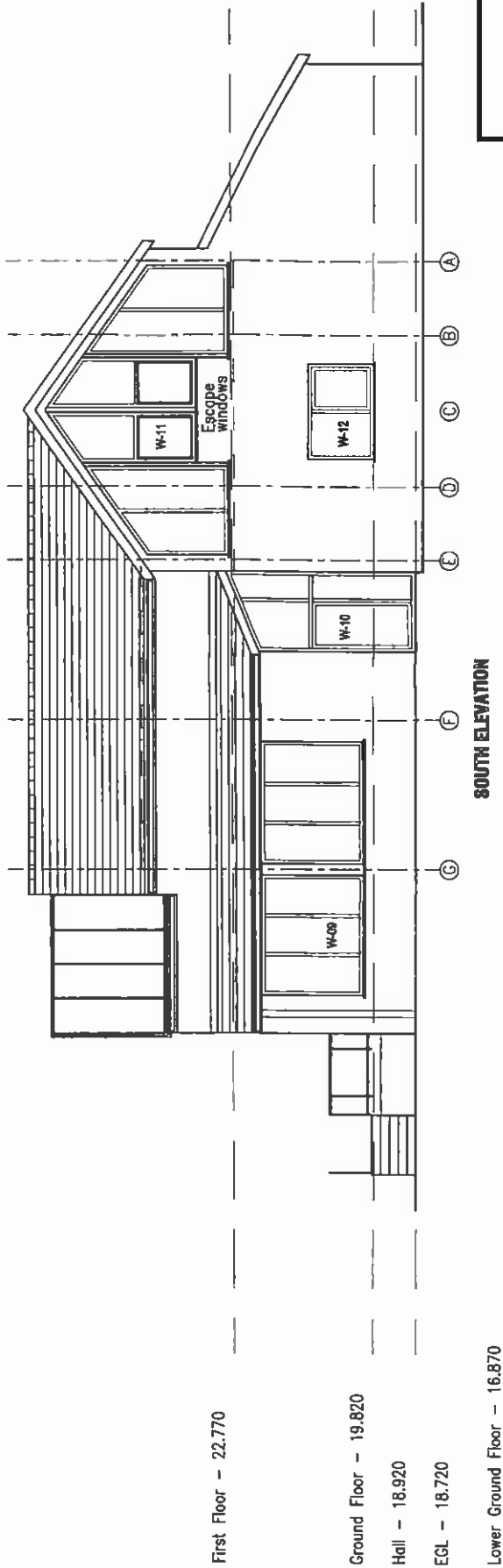
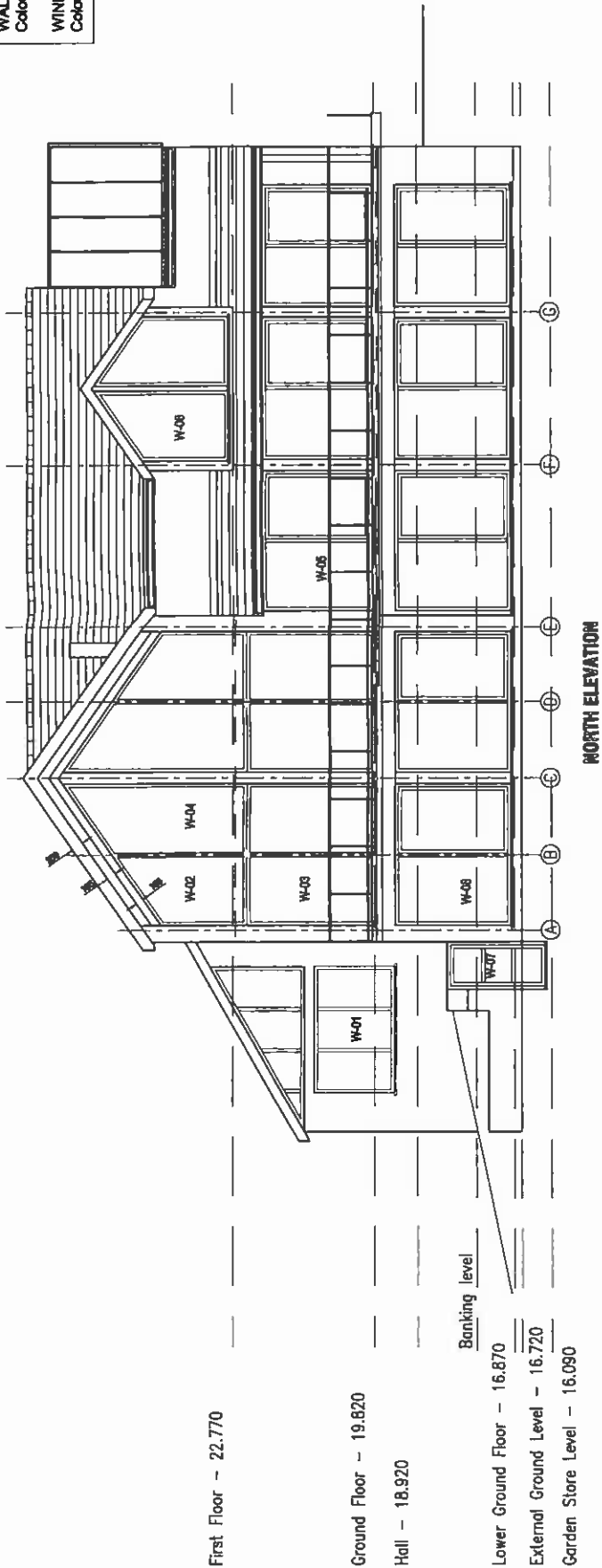
WINDOWS, DOORS, FASCIAS, R.W. GOODS  
 Colour: Grey - RAL 7015

APPENDIX 6

Pembrokeshire Coast  
 - 1 OCT 2008  
 National Park Authority

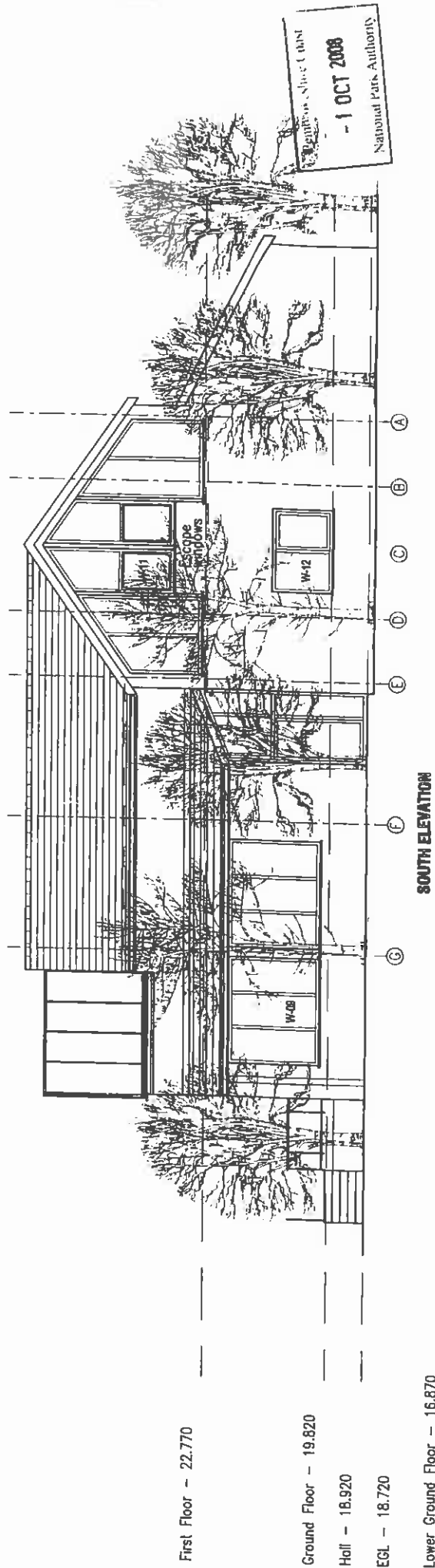
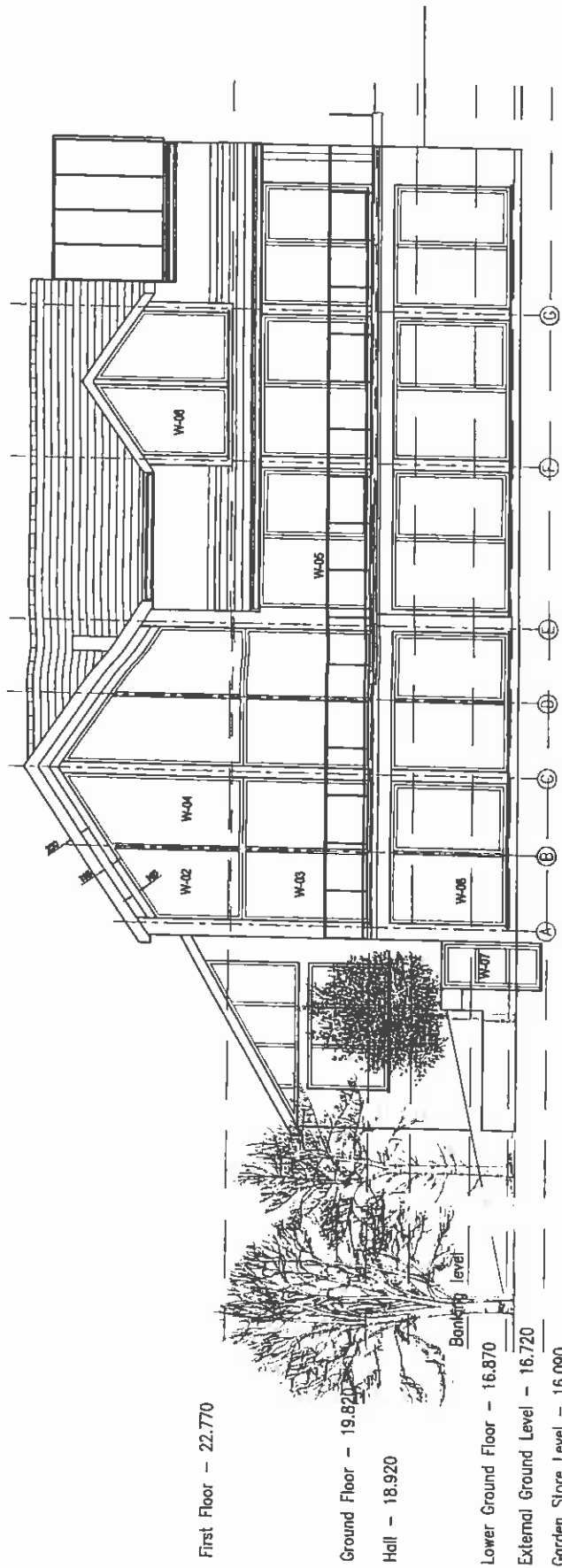
**arwain**  
 architects

9 Park Terrace Carmarthen Carmarthenshire Wales SA31 3DG  
 Tel / Fax: 01267 235980 Email: jef@arwainltd.co.uk  
 Mobile: 07747 811521



Client	Project	Drawing Title	Scale	Drawing	Date	Drawn	Planning re-submission	July 2008
MR & MRS NICHOLAS	NEW DWELLING AT BETTWS NEWYDD, PARROG, NEWPORT, PEMBROKESHIRE	NORTH ELEVATION SOUTH ELEVATION	1:100	282 FP-10 Rev. C	December 2007	JJD	Rev. C	Sept. 2008





## semi-mature trees super-imposed over proposed elevations

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R & MRS NICHOLAS	Project NEW DWELLING AT BETTWS NEWYDD, PARROG, NEWPORT, PEMBROKESHIRE	Drawing Title NORTH ELEVATION SOUTH ELEVATION	Scale 1:100	Drawing 282 FP30	Date July 2008	Drawn JJD	Planning re-submission	July 2008

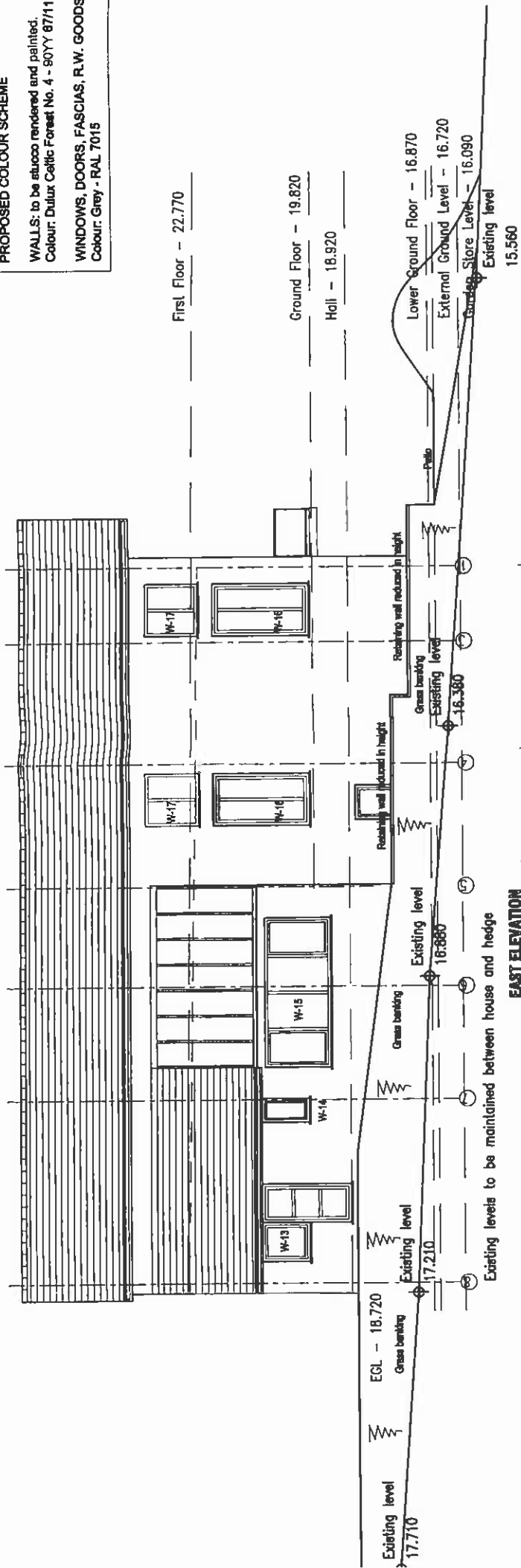


**PROPOSED COLOUR SCHEME**  
 WALLS: to be stucco rendered and painted.  
 Colour: Dulux Celtic Forest No. 4 - 80YY 67/117  
 WINDOWS, DOORS, FASCIAS, R.W. GOODS  
 Colour: Grey - RAL 7015

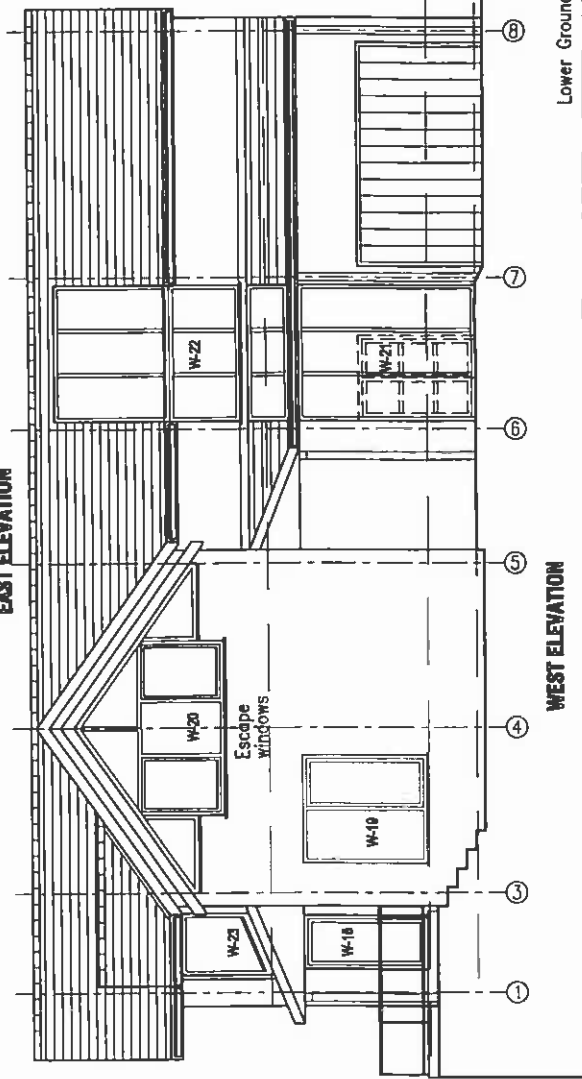
# APPENDIX 6

Penbrecwelling Cistat  
 - 1 OCT 2006  
 Natural Park Authority

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EAST ELEVATION



WEST ELEVATION

Client	Project	Drawing Title	Scale	Drawing	Date	Drawn	Planning re-submission	July 2008
MR & MRS NICHOLAS	NEW DWELLING AT BETTWS NEWYDD, SADDON NEWPORT PEMROKESHIRE	EAST ELEVATION WEST ELEVATION	1:100	282 FP11 Rev. C	December 2007	JJD	Rev. C	Sept. 2008



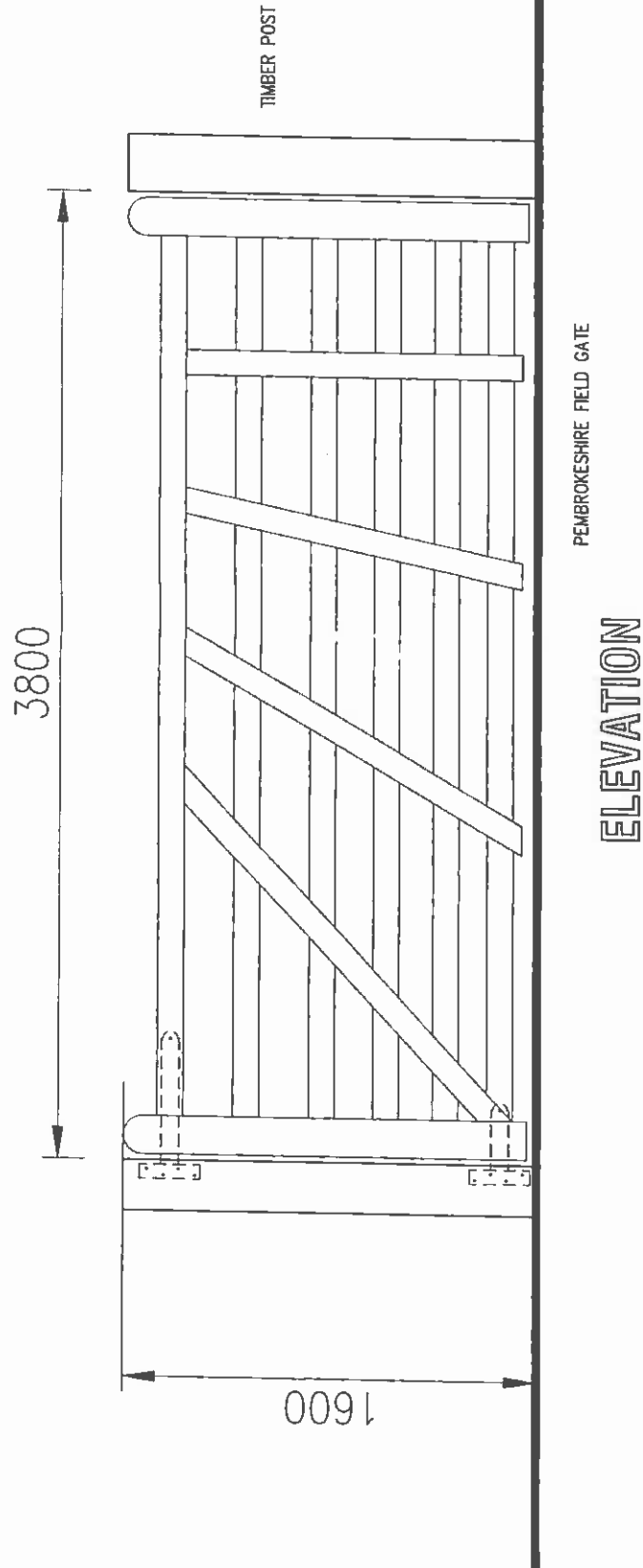
## semi-mature trees super-imposed over proposed elevations



Client <b>MR &amp; MRS NICHOLAS</b>	Project <b>NEW DWELLING AT BETTWS NEWYDD, PARROG, NEWPORT, PEMBROKESHIRE</b>	Drawing Title <b>EAST ELEVATION WEST ELEVATION</b>	Scale 1:100	Drawing 282 FP31	Date July 2008	Drawn JJD
			Planning re-submission			July 2008



# APPENDIX 6



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Client MR & MRS NICHOLAS	Project NEW DWELLING AT BETTWS NEWYDD, PARROG, NEWPORT, PEMBROKESHIRE	Drawing Title ENTRANCE GATE DETAILS	Scale 1:20	Drawing 282 DET01 Rev. A	Date January 2008	Drawn JJD	Rev. A	Sept. 2008
							Design changed to comply with P.C.N.P.A guidelines	



## Appendix 7

## Comparisons Table

	Measurements / Dimensions	Original Scheme	2006 Approved Scheme	2009 "As Built" Scheme
1.	Slab Level (AOD)	Circa 17.5m	N/K – assumed 15m – 17.5m	16.87m
2.	Lower Ground Floor Level	N/A	N/K – assumed 15m – 17.5m	16.87m
3.	Ground Floor Level	Circa 17.5m	N/K – assumed 18.5m – 21m	19.82m
4.	First Floor Level	N/A	N/K – assumed 21m – 23.5m	22.77m
5.	Eaves Height	20.14m	N/K – assumed 22.75m – 25.25m	24.47m
6.	Ridge Height	21.21m	N/K – assumed 25.5m – 28m	27.12m
7.	Footprint Area	100.80 sq.m.	614.48 sq.m.	680.78 sq.m.
8.	Frontage Width	13.6m	22 m	20.5 m
9.	Building Depth	6.8m – 7.8m	17.8m	18.5m
10.	Visible Elevation (North)	N/K	190 sq.m.	186 sq.m.
11.	Visible Elevation (South)	N/K	147.5 sq.m.	147 sq.m.
12.	Visible Elevation (West)	N/K	121 sq.m.	191 sq.m.
13.	Visible Elevation (East)	N/K	139 sq.m.	193 sq.m.
14.	Visible Elevation (Total)	N/K	597.5 sq.m.	717 sq.m.