

PLANNING COMMITTEE	DATE: 04/07/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

REPORT TO THE PLANNING COMMITTEE

REFERRED TO A COOLING OFF PERIOD

DATE OF THE PLANNING COMMITTEE: 04.07.22

DESCRIPTION AND LOCATION APPLICATION: **AND OF** C21/0734/36/LL- Full application for change of use of agricultural land to create a caravan site for 32 pitches, construction of new building to accommodate showers/toilets, all associated hard standings, resurfacing and access - Tyddyn Isaf, Tudweiliog.

REPORT BY: Assistant Head, Environment Department

RECOMMENDATION: To refuse the application on grounds of the reason below:

"It is not considered that the site is well screened by existing landscape features and is not in a location where touring units can be readily assimilated into the landscape. In addition, there is no certainty that the landscaping plan would succeed due to its close proximity to the coast and as a result of the period it would take to establish, if at all, the site would be prominent for a long period within the landscape. Because of this it is considered that the development would have a substantially significant and harmful impact on the visual amenities of the local area and it is not considered that the proposal would protect and improve the Llŷn Area of Outstanding Natural Beauty. It is therefore considered that the proposal is contrary to criterion 1 of policy TWR 5 and policies PS19 and AMG 1 of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026 adopted 31 July 2017."

This reason has been amended since the Planning Committee meeting on 13/06/2022 to reflect the further information that was received and which is discussed below, and the further consideration given to the relevant policies in the preparation of this report.

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1. PURPOSE

- 1.1 Determination of the application was postponed at the Planning Committee on 13/06/2022 due to officers' concerns regarding such a development on the character of the Llŷn AONB.
- 1.2 Despite the information submitted as part of the application, including an additional landscaping plan and information, in the opinion of the Assistant Head, Environment Department, there is a significant risk to the Council in respect of the Planning Committee's intention to approve the application contrary to officers' recommendation, therefore, the matter was referred to a cooling off period in accordance with the Committee's standing orders. The purpose of reporting back to the Committee is to highlight planning policy issues, the possible risks and options for the Committee before it reaches a final decision on the application.

2. DESCRIPTION AND BACKGROUND

- 2.1 This is a full application to change the use of agricultural land to create a touring caravan site that would provide 32 pitches. As part of the proposal, a new detached building would be constructed that would include washing and cleaning facilities. The site is located in open countryside, far from any development boundary as defined by the Anglesey and Gwynedd Joint Local Development Plan. The site and the nearby area is located within the designation of the Llŷn Area of Outstanding Natural Beauty as well as the Llŷn and Bardsey Landscape of Outstanding Historic Interest.
- 2.2 As referred to above, the previous application was submitted to committee on 13/06/2022 with the officers' recommendation to refuse the application. Based on the details of the application including the information submitted and the responses received, it was considered that the application was unacceptable and did not comply with the requirements of the relevant local and national policies and guidance. A copy of the report, which has now been amended to include late information submitted to the Planning Committee on 13/06/2022, is enclosed in Appendix 1, which further explain the background of the application.
- 2.3 It can be seen from the committee report that concerns had been highlighted about the impact of the proposed development as it is not considered that the site is well screened by existing landscape features and is not in a location where touring units can be readily assimilated into the landscape. In addition, and despite the submission of additional landscaping details, there is no certainty that the landscaping plan would succeed due to its close proximity to the coast and, even if it would succeed, it is most likely that it would take years to establish, if at all. As a result, it was considered that the development would have a significant considerable and harmful impact on the local area's visual amenities and it is not considered that the proposal would protect and enhance the Llŷn Area of Outstanding Natural Beauty. Based on the requirements of criterion 1 of policy TWR 5, and policies PS19 and AMG 1 of the Local Development Plan, there is a fundamental objection to the proposed development in relation to the principles of these policies as well as the impact on the designation of the AONB, which is of national importance.
- 2.4 Essentially, officers do not accept that it is possible to fully protect the visual character of the area and the impact on the AONB and in accordance with local and national policies. The site is in an area of open countryside and the land is open and level making it a prominent location within the landscape. Local and national policy states quite clearly that protecting the natural landscape is extremely important with some particular areas, such as designations such as the AONB, afforded additional protection. For clarity, the status of designations such as the AONB and National Parks

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have the same value and importance in terms of natural landscape and beauty considerations. Government guidance states that there is equal status to the AONB and national parks when considering landscape-related matters. Therefore, Llŷn AONB has been recognised and designated for protection due to the high value of the landscape. Its importance has been recognised as national value as a result of its special character and exceptionally important landscape.

3 POLICY CONTEXT

Paragraph 1.22 of Planning Policy Wales (Edition 11, February 2021) states clearly that:

"Up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making. Plans at all levels of the development plan hierarchy must be prepared in accordance with national planning policies. Planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise."

3.1 National Planning Guidance

It is also noted that the following are relevant:

Technical Advice Note 12: Design

Technical Advice Note 13: Tourism

Technical Advice Note 18: Transport

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 6 Planning for Sustainable Rural Communities

3.2 Local and National Planning Policies

The adopted Local Plan is the Anglesey and Gwynedd Joint Local Development Plan and the relevant policies in this case are:

PS 19: Conserving and where appropriate enhancing the natural environment

"The Councils will manage development in order to conserve and, where relevant, enhance the natural environment, the countryside and special coastline of the Plan area and that proposals that will have a substantial detrimental impact on them..."

Table 23 attached to policy PS 19 notes:

TWR 5: Touring caravan, camping and temporary alternative camping accommodation

AMG 1: Areas of Outstanding Natural Beauty Management Plans

Proposals within or affecting the setting and/or significant views into and out of the Areas of Outstanding Natural Beauty (AONB) must, where appropriate, have regard to the relevant Area of Outstanding Natural Beauty Management Plan.

The Llŷn AONB Management Plan notes:

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"Recently, an increase has been seen in sites and numbers of touring caravans - especially around Aberdaron and along the northern coast. There is concern about the cumulative impact of a number of new sites that are fairly close together".

Policy TP 9 of the management plan confirms:

TP 9 RESIST NEW CARAVAN DEVELOPMENT AND EXTENSIONS TO EXISTING SITES IN PROMINENT LOCATIONS IN THE LANDSCAPE OR COAST OF THE AONB AND PROMOTE LANDSCAPING OF EXISTING SITES.

Caravan developments have certainly affected the landscape and coast of some parts of the AONB. A number of these are historical developments dating back to the 1960s such as the Warren and Penrhos. During the past twenty years, there has been a regular increase in new sites for touring caravans and the tendency to leave caravans on the site throughout the season increases their visual impact. Recently, there are more applications in the Aberdaron area and the northern part of the peninsula. In order to protect the beauty and views of Llŷn and the AONB **there is a need to restrict new sites to concealed locations** and, if possible, to impose landscaping conditions to conceal prominent existing sites.

Planning Policy Wales states:

*"The statutory landscape designations that are relevant for Wales are National Parks and AONBs. **There is a statutory duty on planning authorities** to consider the purposes of National Parks and AONBs. This duty applies to all activities affecting National Parks and AONBs, whether those activities lie within the location of the designated areas or in the proximity of those areas. "*

*"In the AONB, planning authorities should give **great weight on protecting and enhancing** the natural beauty of the AONB...AONBs have the same status as National Parks in terms of the beauty of their landscape and views and both have to be fully protected from unsuitable developments... The special qualities of designated areas should be given weight in the development planning and the development management process. Proposals in National Parks and AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable..."*

3.3 **Importance of unique and natural places**

Given that the existing site is open and level within the AONB, this proposal is considered as an application for a new development that would be prominent within the local landscape that is totally contrary to the above policy principles. Emphasis is placed on the need to respect the context of the site and its place in the local landscape, and that proposals should integrate with their surroundings and respect and retain any existing natural features. The work that would be required to complete this development would inevitably change the rural and natural appearance of the site, which is in the open countryside, and would have a greater visual impact than the existing views.

It is important to note that at least four touring caravan sites of various sizes are close to this application site, which already has a harmful cumulative impact on the landscape. It must be emphasised that the existence of other similar developments in the area, which already have a damaging visual impact, is no justification for allowing further damage. The policy guidance is completely clear and new sites should only be approved in concealed locations. This development

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would change the character of this site significantly, and would have a significant impact on this part of the protected area.

It is essentially important to determine applications consistently and in accordance with planning policies and guidance. Should this application be approved, it would be far more difficult for the Planning Service to justify the fundamental and consistent objection to new tourist developments on open sites within designations such as the AONB, where the impact would be harmful.

4. SUMMARY

- 4.1 In light of the above assessment, and although it would be likely that some landscaping may contribute to screening the site to an extent over time, it is not considered that this proposal is acceptable as permitting new developments within protected designations such as the AONB, is totally contrary to local and national planning principles and also the AONB management plan.
- 4.2 Even by attempting to justify the development in terms of economic matters, the policies and guidance clearly note the need to protect a landscape of national value such as this one from further developments that would affect the visual amenities of the area.
- 4.3 In order to approve this application, members should present firm reasons and evidence to approve and reverse the officers' recommendation on an application for a new development in the AONB that does not comply with the relevant policies of the Anglesey and Gwynedd Joint Local Development Plan as well as Welsh Government's specified planning policies.

5. RISKS TO THE COUNCIL OF APPROVING THE APPLICATION

- 5.1 As has been outlined above, approving this application would undermine policies on a national and local level. The site is located within open countryside, as defined by the Anglesey and Gwynedd Joint Local Development Plan and within the Llŷn AONB, where it is encouraged to refuse proposals unless they are in accordance with a specific policy of the Development Plan or national planning policy. As the above assessment shows, together with the assessment in the Committee report, this location is unsuitable for a new touring caravan site due to the detrimental impact on the landscape and the AONB.
- 5.2 Approving the application would create inconsistency in terms of implementing the Council's adopted planning policies in reaching decisions on applications for developments within the AONB.
- 5.3 There is a risk that the application may called in by the Welsh Government for determination. As well as the risk of individual applications being called in, the Welsh Government and its officers have powers to intervene formally in the way the Council provides the Planning Service. This would ultimately be the greatest risk to the Council. There is also a risk to the status of the AONB.

6. OPTIONS FOR THE COMMITTEE

- 6.1 The options available to the Committee in determining the application are noted below with the options increasing in terms of risk to the Council as you proceed down the list:

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- a) Refuse the application in accordance with the recommendation - The above assessment assesses the merits of the application against the requirements of relevant policies and guidance and reaches the conclusion that the proposal does not comply with the policies of the Anglesey and Gwynedd Joint Local Development Plan or national policies and guidance. This is the only possible resolution without risk to the landscape and Council policies.
- b) Approving the application - this is the greatest risk to the Council as it would approve an unsuitable new development within the Llŷn AONB. This would completely undermine local and national policies and guidance as well as the Council's credibility. Once more it is noted that Welsh Government has powers to intervene formally in the way the Council provides the Planning Service.

6.2 In order to ensure that the Council avoids the risks outlined above and as the application's merits have been assessed thoroughly by Council officers it is deemed that the proposal does not conform to the requirements of the adopted policies of the Anglesey and Gwynedd Joint Local Development Plan, local and national guidance and national planning policies and the AONB Management Plan. Therefore it is recommended that the application is refused as submitted in accordance with the reason for refusal noted at the beginning of this report.

7. APPENDICES

Appendix 1 – A copy of the committee report and the plans.