



Appeal Decision

by R H Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 02/09/2025

Appeal reference: CAS-04100-Q9H1V1

Site address: Land adjacent to Pincheston Farm Complex, Sageston SA70 8SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Miss Nelson & Sylvie Jones against the decision of Pembrokeshire County Council.
 - The application Ref 24/0061/PA, dated 22 April 2024, was refused by notice dated 4 December 2024.
 - The development proposed is the *'provision of two additional family pitches with shared day room, new hay shed/store and update of layout approved under 13/0429/PA'*
 - A site visit was made on 5 August 2025.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of two additional family pitches with shared day room, new hay shed/store and update of layout approved under 13/0429/PA at Land adjacent to Pincheston Farm Complex, Sageston SA70 8SG in accordance with the terms of the application Ref: 24/0061/PA, dated 22 April 2024, subject to the conditions set out in the attached schedule.

Procedural Matters and Context

2. The fact that the appellants and the other beneficiaries of the development fall within the definition of 'Gypsies and Travellers', as defined by Welsh Government Circular 005/2018: *Planning for Gypsy, Traveller and Showpeople Sites* (2018) (WG Circular 05/2018), is a matter of common ground between the appellants and the Council. I have fully considered the written evidence submitted in this respect and have no reason to come to a different conclusion on such a matter. The legal and planning policy framework relating to Gypsies and Travellers is therefore relevant and fully engaged for the purposes of this appeal.
3. The Housing (Wales) Act 2014 places a statutory duty on local authorities to assess and meet the accommodation needs of the gypsy and traveller community. Pembrokeshire County Council's Gypsy and Traveller Accommodation Assessment (GTAA) 2019 was submitted to the Welsh Government in 2019 and subsequently modified in 2020 and in 2024. It identifies a total requirement of 39 gypsy and traveller pitches over the period 2019 to 2033. Since the GTAA was prepared planning permission has been granted for

15 private pitches. As a result, the outstanding unmet need for gypsy and traveller pitches in the County over the period 2025 to 2033 is 24 pitches.

4. The appellants currently reside on a Council run Gypsy & Traveller site in Castle Quarry, Monkton. Mr Nelson, who owns the appeal site, lives with his wife and youngest daughter on Plot 8, and he is the registered primary carer for his wife who is not in good health. His sister, Miss Silvie Jones, lives at Plot 15 with her mother, and she is her mother's registered primary carer. A total of 7 family members are accommodated within two static caravans and two touring caravans at the Monkton site which is recognised by the Council as being overcrowded. As the Monkton sit is overcrowded and given the lack of alternative public sites available in the County, the appellants require two additional pitches on the appeal site to accommodate the current and future needs of the family. The appellants advise that the family members have a desperate need to reside on one improved family site with two additional pitches for welfare and well-being reasons.
5. Policy GN.32 (Gypsy Traveller Sites and Pitches) of the Adopted Pembrokeshire Local Development Plan (LDP) 2013, states that outside settlement boundaries new permanent or transit gypsy traveller sites or extensions to existing authorised sites will be permitted where it is demonstrated that the proposed development: (1) cannot be accommodated on an existing authorised site and is to meet locally arising need or the need of families with a local connection; (2) is accessible to existing community, social, educational and other services; and (3) is sensitively sited in the landscape and satisfactory landscaping is provided.
6. The Council's evidence confirms that given the personal circumstances of the applicants and the on-going need for gypsy and traveller pitches in the county as shown by the GTAA, the proposal complies with criterion (1) of policy GN 32. The Council also confirms that having regard to the proximity of local community, social, educational and other services in Carew / Sageston the site is well located for future occupiers to avail themselves of these services, and the proposal complies with criterion (2). The Council has also assessed the impact of the development on the landscape and has concluded that the proposed development would comply with the requirements of criterion (3) of policy GN 32. Therefore, the appeal development complies with Policy GN 32.
7. Notwithstanding the proposal's full compliance with Policy GN 32, the Council raised concerns regarding the intensification in the use of the access lane (reason for refusal 1) and the potential for pollution due to flooding on the access (reason for refusal 2). These issues are discussed in the main issues that I have identified below.

Main Issues

8. Having regard to the two reasons for refusal, I consider the main issues to be:
 - the effect of the development on the living conditions / amenity of neighbouring residents as a result of the increased use of the access lane; and
 - the impact of the development on drainage, with particular regard to the risk of pollution.

Reasons

Living Conditions / amenity

9. The appeal site is accessed via a single-lane drive which also provides vehicular access to residential properties located within the converted former Pincheston Farm complex. The Council is concerned that the proposed development would intensify the use of the lane and lead to an increase in vehicular movements along the shared access, especially

large vehicles servicing the cesspit. The Council considers that such an increase would adversely impact on residential amenity to an unacceptable level and would hinder the promotion of peaceful and integrated co-existence between the settled community and the residents of the proposed development. As a result, the Council's decision notice states that the development would be contrary to Criterion 2 of Policy GN 32. However, as stated above, criterion 2 only requires sites to be accessible to existing community, social, educational and other services. Policy GN 32 does not make any reference to the need for new Gypsy and Traveller sites to protect residential amenity or the promotion of a peaceful and integrated co-existence between the settled community and the residents of the proposed development.

10. Notwithstanding this, the Council also refers to Section 39 of Circular 005/2018 which states that proposed gypsy sites in the countryside should be considered in context and in relation to the local infrastructure, population size and density to ensure they are proportionate to local settled communities. Section 37 of the Circular gives a list of matters that are important to consider in terms of a site's sustainability. It includes opportunities for growth within family units and recognises the need to promote "peaceful and integrated co-existence between the site and the local community".
11. In support of its concerns, the Council has referred me to two previous appeal decisions on the site (APP/N6845/A/08/2087661 and APP/N6845/A/8/2087664). The Inspector determining these appeals concluded that whilst safe access could be achieved there would be potential for inconvenience to arise from sharing the access between existing dwellings and residents at the proposed site and that this would adversely affect residential amenity and hinder the promotion of peaceful and integrated co-existence.
12. I have noted the concerns of the Council, as well as the representations made by Carew Community Council and Pincheston Management Company Ltd (the owners and occupiers of the Pincheston Farm residential properties). I have also had regard to the conclusions of the Inspector in the previous appeals. However, since the decision of the Inspector, the Council's evidence confirms that planning permission was granted in May 2014 (Reference 13/0429/PA) for the use of the appeal site for two static and two touring caravans, together with the erection of a pair of utility/day units and the relocation of a previously approved storage building. Therefore, there has been a significant change in circumstances since the determination of the previous appeals as the principle of developing the site as a Gypsy and Traveller site has now been established by the 2014 planning permission and the development has been implemented.
13. Whilst the number of pitches and caravans is limited by the 2014 planning permission, the number of residents living at the site is not restricted, which means that the 7 family members could at any time decide to leave the Monkton site and legitimately live at the appeal site within the confines of the 2014 permission. As such, the number of vehicular movements associated with the use of the site by 7 family members under the 2014 permission could, theoretically, be similar to that generated by the appeal scheme as the number of residents would be the same. Notwithstanding this, even if the number of vehicular movements did increase as a result of the appeal scheme, I am not persuaded that this intensification of the use of the access lane would lead to a significant and detrimental impact on neighbouring residents through noise or disturbance.
14. The Council's first reason for refusal also refers to the development leading to an inconvenience to users of the access lane from being unable to pass, and the Council has referred me again to the conclusions of the previous Inspector. From what I saw on my site visit there is clearly a potential for conflicting vehicle movements along the access track, and occasionally vehicles may meet each other leading to one having to reverse as there is insufficient width for one to pass another along the track. However, due to the

short length of the access track and that there would be no traffic generating business use on the appeal site, the likelihood of this occurring would be relatively low. In addition, the proposed scheme includes the creation of a passing bay approximately midway between the site and the adopted highway, and an area at the junction with the main highway would also be widened. This would allow vehicles to wait off the main track and pass each other thus minimising any potential inconvenience. The Council's expert on highway related matters, the Head of Infrastructure (Highways), was consulted and raised no objections to the proposed development subject to the imposition of conditions relating to these improvements.

15. In objecting to the development Pincheston Management Company Ltd questions the legality and ability of the appellant to undertake such works along the lane. The access is a private lane and any legal agreements or arrangements to carry out improvements to the lane is a civil matter, and I consider that implementation of the development could be appropriately conditioned.
16. Therefore, having regard to the above I consider that the proposed development would not harm the living conditions and amenity of neighbouring residents. The development would thus comply with Circular 005/2018 and Policy GN.1 (General Development Policy) of the LDP which permits development if it would not result in a significant detrimental impact on local amenity (criterion 2) and where appropriate access can be provided (criterion 6).

Drainage / Pollution

17. Surface water would be disposed of via soakaways and foul water would be disposed of via a sealed underground cesspit with a capacity of 59,000 litres which would serve the occupants on all four pitches. A high level alarm would be installed to alert the residents of the need for the tank to be emptied, and this would be undertaken by a licenced waste carrier. However, the Council is concerned that the access lane is subject to flooding in some parts and there is the potential for it to become impassible at times when the cesspit may need to be emptied. As the underground cesspit would need to be serviced on a regular basis, including potentially during flooding incidents, the Council is concerned that this could lead to a situation where the cesspit may not be able to be emptied at times when it is full and could increase the risk of a pollution incident occurring on the site.
18. Natural Resources Wales (NRW) confirms that the Flood Risk Map shows the site entrance to be within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site access to be at risk of flooding and falls into Flood Zone 2 Rivers. Photographs provided within the objection letter from Pincheston Management Company Ltd provides evidence that the access lane has been prone to flooding in the past.
19. However, NRW has advised that given the limited extent of flood risk shown to be affecting the site it considers the proposals to be acceptable. The Council's Head of Infrastructure (Drainage) also does not object to the development with regard to issues concerning foul and surface water drainage.
20. Whilst I understand the concerns raised by the Council, I consider the risk of flooding along the access lane is low and only a small part of it is liable to flooding, as confirmed by NRW. In addition, the cesspit is alarmed, and the appellants would know well in advance of the need to empty it. As such, they would be able to coordinate the company responsible for emptying the cesspit with weather forecasts of any periods of heavy rain which could lead to a flooding event on the access lane. Therefore, there would be very

little, if any, risk of pollution as a result of the development, thus complying with Policy GN.1 (General Development Policy) of the LDP which permits development if it respects and protects the natural environment (criterion 4), provides necessary and appropriate service infrastructure (criterion 6), would not cause or result in unacceptable harm to health and safety (criterion 7) or lead to a significant adverse impact on water quality (criterion 8).

Other Matters

21. Carew Community Council have also raised objection to the development as it would cause harm to the character and appearance of the area and has referred to the previous appeals on the site. However, since the decision of the Inspector the trees and hedgerows surrounding the appeal site, including those found along the boundary with the A477, would have matured and grown. Therefore, these trees afford a significant barrier to elevated views from the A477. The proposed development also includes a landscaping scheme to include the retention of the hedgebanks on the eastern and western boundaries, with additional planting of native species in the existing gaps on the western boundary. There would also be five additional Pembrokeshire hedgebanks within the site, two of these would be to the north and south of the two proposed pitches with a hedgebank between them. The provision of the landscaping can be conditioned. Therefore, from the evidence before me and from what I saw on my site visit I consider that the development would not have a harmful impact on the character and appearance of the area and fully complies with criterion 3 of Policy GN 32.
22. With regard to biodiversity and ecological issues, the additional landscaping being proposed and the provision of bat and bird boxes on the proposed utility/day room would, in my opinion, enhance biodiversity on the site. It is also worth noting that the Council Ecologist raised no objections to the development subject to the imposition of conditions relating to lighting and further biodiversity enhancement and management measures being implemented. This matters have been included within the schedule of conditions attached to this decision.

Conditions

23. Guidance in relation to the use of conditions is set out in Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management. The Council submitted a list of suggested conditions with reasons as part of their appeal statement. With the exception of the conditions discussed below, those conditions that meet the relevant tests are set out, with reasons, in the schedule of conditions. I have adjusted the wording of some of the conditions in the interest of clarity and precision. They are necessary and seek to ensure that the development avoids, or where that is not possible, mitigates as far as is reasonable, the potentially harmful effects of the development, alongside securing enhancements as sought by national policy.
24. The suggested condition relating to the siting of the caravans is unnecessary as this would be covered by the standard condition relating to the development being carried out in accordance with the approved plans.
25. I also consider that the Council's suggested condition requiring the land to be restored at the end of the period for which planning permission is granted is unreasonable and unnecessary as the grant of planning permission is not temporary or time limited. In addition, the Council has already granted planning permission in 2014 for a permanent development on the appeal site which has been implemented.

26. Surface water drainage requires separate approval and a condition in this regard is unnecessary.
27. The Council has suggested the imposition of a condition requiring the provision of gigabit capable broadband infrastructure to comply with Policy 13 of Future Wales. From 1 July 2025 this is a requirement under building regulations for all new buildings and the imposition of a condition is, therefore, unnecessary.

Overall Conclusions

28. I have taken into account all matters raised by the Council and other interested parties in objecting to the development. However, I conclude that the appeal should be allowed subject to the schedule of conditions attached to this decision.
29. In coming to this conclusion, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of building a stronger, greener economy as we make maximum progress towards decarbonisation, making our cities, towns and villages even better places in which to live and work and embedding our response to the climate and nature emergency in everything we do.

R. Duggan

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

- 2) The development shall be carried out in accordance with the following approved plans:

01g Location and Block Plan dated 28.01.2024;

02f Site Plan dated 19.08.2024;

04c Floor Plan of Proposed Utility/Day Room – for 3rd Pitch Only dated 28.01.2024;

05c Elevations of Proposed Utility/Day Room – for 3rd Pitch Only dated 28.01.2024;

06d Premier Tech Aqua – Cesspool Installation Details (or similar approved) dated 19.08.2024;

07d Sectional Elevation Showing Proposals in Context dated 16.03.2024;

08f Access Details dated 28.01.2024;

09h Details of Passing Places dated 22.01.2024;

10e Floor Plan – Hay Shed dated 28.01.2024;

11e Proposed Elevations – Hay Shed dated 28.01.2024;

12d Proposed Elevations – Hay Shed dated 28.01.2024;

AP01 Rev A Vehicle Swept Path analysis dated 22.01.2024;

16 Historic Access Details dated 28.01.2024;

17 Site Plan Showing Comparison of Current Scheme, Proposed Scheme and Consented Scheme dated 19.08.2024;

18e Sealed Cesspool Assessment & Traffic Assessment Commentary dated 09.09.2024

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.

- 3) The occupation of the site shall only be by Gypsies and Travellers as defined by Welsh Government Circular 0005/2018 'Planning for Gypsy, Traveller and Showpeople Sites'.

Reason: The residential use of the site in this rural location would not be permitted unless occupied by a Gypsy or Traveller in accordance with Policy GN 32 of the LDP.

- 4) There shall be no more than four pitches on the site, and no more than eight caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the caravans Sites Act 1968) comprising of four static caravans and four touring caravans shall be stationed on the site at any time.

Reason: In the interests of visual amenity and to safeguard the amenity of adjacent occupiers and to accord with Policies GN 1 and GN.32 of the Local Development Plan

- 5) No commercial or business activities shall take place on the land, including the storage of materials, nor shall any vehicle over 3.5 tonnes be stationed, parked or stored on the site.

Reason: In the interests of visual amenity and to safeguard the amenity of adjacent occupiers and to accord with Policies GN 1 and GN.32 of the Local Development Plan.

- 6) Prior to the first occupation of the development hereby approved a scheme for foul drainage shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the development is drained in an acceptable manner and to comply with Policy GN 1 of the LDP.

- 7) Prior to the commencement of the development hereby approved the internal access track shall be completed to base course level in accordance with the approved plans. The final surface treatment of the internal access track shall be implemented prior to first occupation of the site and maintained as such thereafter.

Reason: In the interest of highway safety and to accord with policy GN.1 of the LDP

- 8) The access and passing bay works shown on plans 09h and AP01 shall be provided prior to any use of the development hereby approved. Thereafter, they shall be retained and maintained as such.

Reason: In the interest of highway safety and to accord with policy GN.1 of the LDP

- 9) The parking spaces and turning facilities shown on plan 02f hereby approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking and turning only.

Reason: In the interests of highway safety and to comply with Policies GN 1 of the LDP.

- 10) Prior to the first occupation of the development hereby approved a scheme of biodiversity enhancement for the field to the east of the development site shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with LDP Policies GN 1 and GN 37 and Policy 9 of Future Wales.

- 11) Notwithstanding the details shown on the plans hereby approved, within 3 months of the date of this decision a landscaping scheme shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development hereby permitted and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard the character and appearance of the area and ecology in accordance with LDP Policies GN 1 and GN 37.

- 12) Within 3 months of the date of this decision details of all external lighting shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area and ecology in accordance with LDP Policies GN 1 and GN 37.