



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/05/2022

gan **A L McCooey BA (Hons) MSc**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19/07/2022

Appeal Decision

Site visit made on 17/05/2022

by **A L McCooey BA (Hons) MSc**

an Inspector appointed by the Welsh Ministers

Date: 19/07/2022

Appeal Ref: CAS-01594-H8FON5

Site address: Derry Ormond Railway Halt, Betws Bledrws, Lampeter, SA48 8NP

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Sonia Gibbon against the decision of Cyngor Sir Ceredigion County Council.
 - The development proposed is the change of use from a former railway halt to a holiday let unit.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a former railway halt to a holiday let unit at Derry Ormond Halt, Betws Bledrws, Lampeter, SA48 8NP, in accordance with the terms of the application, Ref A200540, dated 6 July 2020, subject to the conditions set out in the schedule to this decision letter.

Procedural Matter

2. The application was submitted in July 2020 and reported to the relevant committee in January 2021 with a recommendation for refusal. The committee members resolved to support the application. However, before the decision could be issued Natural Resources Wales (NRW) informed the Local Planning Authority that the Afon Teifi Special Area of Conservation (SAC) was failing due to high levels of phosphates. The Council were informed that a Habitat Regulations Assessment would be required. Discussions in the light of NRW guidance were ongoing when the appellant decided to appeal against non-determination. Notwithstanding the resolution of the Development Control Committee to support the application subject to a satisfactory resolution of ecological matters, the officers have presented the Council's case that the proposal is unacceptable for 4 reasons.

Main Issues

3. The main issues in this case are:

- Whether the proposal would be acceptable in a countryside location under Policy LU14 in terms of its physical condition;
- The impact of the proposal on highway safety;
- The effect of the proposed drainage arrangements on the Afon Teifi Special Area of Conservation (SAC)

Reasons

4. The application relates to the Derry Ormond rail halt (small station) near Betws Bledrws. The halt was used in conjunction with the former Aberystwyth to Carmarthen railway line, which closed in the 1960s. The halt is on a raised platform with the former rail line in front. The building is accessed from the A485 via a lane that serves several farms. The proposal involves the conversion of the existing building to a one-bedroom self-catering holiday unit. A parking area is proposed near the lane.
5. Settlements identified in the Ceredigion Local Development Plan (LDP) are classified as Urban or Rural Service Centres and Linked Settlements. Betws Bledrws is a Linked Settlement. Policy LU16 (3) deals with Tourism Accommodation in locations outside Urban or Rural Service Centres and Linked Settlements. The policy encourages and supports the conversion of existing buildings to other types of tourist accommodation provided that the buildings are structurally sound and will not require major external alterations. I note that the LDP encourages the development of sustainable tourism and the provision of further tourism facilities, whilst ensuring that accommodation is appropriately located. The supporting text of Policy LU14 (which deals with development involving caravans, camping, chalets and cabins) states that accommodation inland is generally deficient and needs strengthening in most sectors.

Policy LU16

6. The critical issue that has been raised is whether the building is structurally sound. The Council's Building Control Service has concluded that the timber frame forming the majority of the building is beyond repair, with the roof and floor equally as derelict. Several supporters refer to the heritage value of the building. It is the last remaining station on this former rail line. One supporter has been responsible for restoring and re-building of several railway structures of the Gwili Railway Carmarthen. He has considered the condition of the building and concludes that there is much that remains intact. He argues that the wooden frame can be repaired, the walls are intact, and the existing slates are present to be re-used in repairing. The Council minutes of the Development Control Committee meeting note that the application should be approved. The reasons refer to the importance of maintaining the heritage and historical value of the building, the contribution the proposal would make to the local economy and the fact that the building would be salvaged and re-used.
7. I agree that this simple building is an important undesignated heritage asset. The proposal will secure its future by bringing it back into use. The evidence as to its structural condition is contradictory. It is clear from the plans that the existing materials can be largely preserved and re-used as part of the restoration and conversion works. The design and appearance of the building will be retained. The proposal would support the local tourism industry in an area where it is in need of strengthening. In all these circumstances, I conclude that the proposal would comply with Policy LU16.

Highway safety

8. The Highway Authority did not originally object to the proposal as it was considered to be the conversion of an existing building. Whilst the proposed use remains the same, a revised view was provided following the comments of the Building Control Service on the condition of the building. The highway safety concerns are not set out in any detail in the revised response of the Highway Authority. The appeal statement refers to deficiencies of the site access with the highway and lack of passing places along the highway. The existing lane is narrow and only serves a small number of properties. As a result, the volume of traffic and its speed are low. There is good visibility to the right emerging and appropriate siting would ensure that visibility to the left can be maximised. I consider that adequate visibility can be provided. Whilst there are few passing places on the lane, no evidence was provided this has led to any highway safety issues. The proposal for a 1-bedroom holiday let would add only modest levels of traffic on the highway. Taking these circumstances into account, I consider that refusal on highway safety grounds would not be justified.

Effect on the condition of the Afon Teifi SAC

9. NRW has advised the Local Planning Authority that the site falls within the catchment of the Afon Teifi SAC and this is a Phosphorous sensitive river. The Local Planning Authority undertook an Appropriate Assessment under the Habitat Regulations. NRW has confirmed on several occasions that provided the specified drainage arrangements and drainage ditch are provided then NRW does not anticipate that the proposal would adversely affect the integrity of the SAC. I have undertaken an Appropriate Assessment under the Habitat Regulations (see Appendix) and reached a similar conclusion. The site is not within a sewered area and therefore the use of a package treatment plant is acceptable under Circular 008/2018. There is no case to withhold planning permission on this basis.

Other Matters

10. A concern was raised by Traws Link Cymru regarding an adverse impact on the possible re-opening of the former rail line. The Council considered that the proposal was not fully in accord with Policy DM04 refers to the reuse of former rail lines for sustainable travel. The building is on the former platform away from the line. The parking area would not impede any possible reuse in the event that the land was acquired for such purposes. For these reasons, I do not consider that the proposal would conflict with Policy DM04.
11. The appellant refers to inconsistency on the part of the Local Planning Authority because an application for 2 cabins was approved in 2019. A different policy context applies for the consideration of applications for cabins (Policy LU14) and so the circumstances of the cited case are not comparable to the appeal proposal.

Conditions

12. I have considered the conditions suggested by the Local Planning Authority. Condition 4 is not necessary as the application is for a change of use and condition 2 requires the development to be carried out in accordance with the approved plans. Conditions 5, 6 and 7 can be replaced by a single condition requiring the submission of details of the access and parking arrangements for the approval of the Local Planning Authority. Condition 8 is necessary to ensure that the use as holiday unit is controlled. The Recommendations of the Bat Survey Report (see condition 2) require the provision of bat and bird nest boxes on the site. These enhancements are necessary and would meet the requirements of Future Wales Policy 9, which seek to enhance biodiversity.

13. I have added a condition requiring details of the package treatment plant and a maintenance plan. The condition also requires implementation of these measures as part of the development. This condition is necessary for the reasons indicated in the AA.

Conclusion

14. I have found that the suggested reasons for refusal have not been sustained for the reasons given. I conclude that the proposal would comply with Policy LU16 and therefore the requirements of strategic Policy SO4. As noted above, the proposal would also comply with Policy DM03 and DM04. The proposal would not adversely affect the integrity of the SAC. Having taken all relevant information into account, I conclude that the appeal should be allowed.

15. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

A L McCooey

Inspector

SCHEDULE OF CONDITIONS

- 1) The development shall begin not later than five years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) The development shall be carried out in accordance with the following approved plans and documents: 1610-01 Rev D, Enhanced Foul Drainage Soakaway Trench (Colin Brown Environmental Ltd, cbe/SD/007/10.15) and the Recommendations of the Bat Survey Report by I & G Ecological Consulting dated 26/6/2020.
Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.
- 3) The development shall be carried out in strict accordance with the recommendations of the 'Environment Management Plan to avoid pollution and potential harm to biodiversity at Former Derry Ormond Halt, Betws Bledrws, Lampeter, Ceredigion SA48 8NU' (I & G Ecological Consulting, January 2021).
Reason: To protect the water environment during construction in accordance with LDP policies DM15 and DM22 and to protect the qualifying features of the Afon Teifi SAC in line with national policies and legislation and LDP policy DM14
- 4) No development shall take place until details of the proposed package treatment plant, and a maintenance plan have been submitted to and approved in writing by the local planning authority.
The building hereby permitted shall not be brought into use until the approved package treatment plant has been installed. The package treatment plant will be maintained in accordance with the approved maintenance plan for as long as the development hereby permitted remains in existence.

Reason: To protect the water environment during construction in accordance with LDP policies DM15 and DM22 and to protect the qualifying features of the Afon Teifi SAC in line with national policies and legislation and LDP policy DM14

- 5) The development shall not be brought into use until details of the proposed access and parking and turning facilities have been submitted to and approved by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained as approved in perpetuity.

Reason: To ensure that appropriate access and parking arrangements are provided to serve the development in the interest of road safety and free flow of traffic in accordance with Policy DM03 and TAN18.

- 6) The development hereby granted planning permission shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up-to-date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason: To ensure that the proposed development remains as a holiday unit rather than a residential unit in line with the strategic policies within the Local Development Plan.

Annex

Appropriate Assessment under the Habitats Regulations

1. The need for Habitats Regulations Assessment (HRA) is set out within Article 6 of the EC Habitats Directive 1992, which is transposed into British Law by the Conservation of Habitats and Species Regulations 2017 (the Regulations). The competent authority must decide whether 'likely significant effects' of the project (alone or in-combination with other plans or project), can be ruled out based on the information provided by the parties. The competent authority may agree to the project only after ascertaining that it will not adversely affect the integrity of the European site. The project could affect the Afon Teifi Special Area of Conservation (SAC) and therefore an Appropriate Assessment (AA) must be undertaken.
2. The Local Planning Authority provided a draft AA which sets out the reasons for designation of the SAC and its qualifying features. The draft AA includes a screening stage, which concludes that AA is required and also an in-combination assessment, which concludes that there would be no residual significant effects to be considered in combination with other projects
3. The appellant has provided drainage information to demonstrate that the development would not increase phosphates entering the SAC as a result of the production of wastewater. An enhanced soakaway trench to serve the development is proposed that will ensure that effluent is adequately treated within the ground, preventing phosphate from entering the SAC. Information on the proposed package treatment plant from the supplier indicates that it is designed to require minimum emptying i.e., once every 10 years.
4. I note that both the Local Planning Authority and NRW consider these arrangements would ensure that there would be no adverse effect on the integrity of the SAC. However, the Local Planning Authority had raised the issue of possible effects on the SAC from the disposal of the sludge associated with the package treatment plant. I am guided by the advice of NRW which states that:

Given that sludge retains a small proportion of total phosphorus from private wastewater systems without reduction technologies (e.g. chemical dosing), phosphorus in effluent presents the greatest risk to the river environment from private sewage systems. With additional consideration of the current regulatory framework in place governing carriage, treatment, and disposal of private system sludge, in our opinion, Planning Authorities can reasonably conclude that the disposal of sludge from new private sewage treatment systems is unlikely to have a significant effect on a river SAC.

When this is put into perspective for the case at Derry Ormond Holt, we remain to advise that provided the specified package treatment plant and field drainage (enhanced ditch) is implemented then we do not anticipate that there would be an adverse effect on the integrity of the SAC.
5. The package treatment plant and field drainage (enhanced ditch) are shown on the approved plans. Further details of the plant and maintenance arrangements will be required as a condition of planning permission. I therefore conclude that it is beyond reasonable scientific doubt that the scheme, either alone or in combination with other projects, would not have an adverse effect on the integrity of the Afon Teifi SAC.

6. Other potential pollution effects caused by changes in water chemistry or deposits of silt and sediment during construction can be addressed by a condition requiring the development to be carried out in accordance with the recommendations of the submitted Environment Management Plan, which would avoid pollution and potential harm to biodiversity.

Conclusion

7. Subject to the above condition being imposed on the planning permission I conclude that the project would not adversely affect the integrity of the Afon Teifi SAC.