



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/03/22

gan **P J Davies BSc (Hons) MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 26.05.22

Appeal Decision

Site visit made on 30/3/22

by **P J Davies BSc (Hons) MA MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 26.05.22

Appeal Ref: CAS-01516-C5Q4L9

Site address: Dandderwen, Abercych, Boncath, Pembrokeshire SA37 0EZ

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 refusal to grant planning permission.
 - The appeal is made by Chris Walford against the decision of Pembrokeshire County Council.
 - The development proposed is change of use of garage to residential holiday let.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is located within the catchment of the River Teifi Riverine Special Area of Conservation (SAC) where strict controls over increased phosphate levels apply. In January 2021 Natural Resources Wales (NRW) published the results of its Compliance Assessment of Welsh River Special Areas of Conservation against Phosphorus Targets. This identifies that the River Teifi SAC is failing its phosphates target. The Council has carried out a Habitats Regulations Assessment (HRA) in accordance with the Conservation of Habitats and Species Regulations 2017 (the Regulations). This HRA, and the Council's decision, is based on the original intention to connect the proposed development to the main public sewerage system. However, the Abercych Waste Water Treatment Works (WWTW) has no phosphate stripping capabilities and lacks capacity to deal with the additional phosphorous from the proposal. The HRA concludes that the proposal would adversely affect the conservation objectives of the SAC's qualifying features. Nonetheless, the proposal was subsequently amended to propose foul wastewater disposal to a private package treatment plant (PTP). This is acknowledged and considered in the Council's delegated decision report. The appellant's representations are also clear that the amended proposal is the basis of the application and this appeal. I have therefore also considered it on that basis.
3. No HRA has been carried out on the amended proposal. Nonetheless, having regard to the main issue in this case, and to my conclusions as set out below, I have not sought the

views of NRW to inform a screening as to whether there would be a likely significant effect on the qualifying features of the SAC. This is because even should the development be acceptable in regard to its effect on the SAC, this would not outweigh my conclusions on the main issue.

Main Issue

4. The main issue is whether the proposal makes suitable provision for foul water drainage having regard to planning policies that seek to safeguard the local environment from pollution.

Reasons

5. Planning Policy Wales Edition 11 (PPW) is clear that development proposals in sewered areas must connect foul drainage to the main sewer (paragraph 6.6.20). Development proposing the use of non mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible. This is because of the greater risk of failures leading to pollution in private treatment facilities when compared to public sewers. Welsh Government Circular 008/2018 ('the Circular'), which sets out the planning requirements for the use of private sewerage in new development, also reiterates that the first presumption must always be to provide a system of foul drainage discharging into a public sewer. If, by taking account of the cost and/or practicability, it can be shown a connection is not feasible, a private sewage treatment plant should be considered.
6. In this case, having regard to cost and practicability, the proposed development would be capable of connecting to the public sewer. However, this would result in unacceptable environmental consequences until such time as the Abercych WWTW are upgraded to deal with phosphate from the development. The issue is therefore one of capacity rather than feasibility. Having regard to the principles of sustainable development set out in planning policy, I consider that the fact that connection to the mains sewer would be environmentally untenable at the present time, would not justify the perpetuation of PTPs which carry greater risks of pollution to the local environment. I note the sequential approach to PTPs in the Circular, but the overall objective is to protect public health, amenity and the local environment. The advice does not exist to circumvent other environmental issues associated with a connection to public mains sewerage systems which is otherwise feasible in practice.
7. Moreover, although the appellant has provided standard technical specifications of the PTP, this is not based on any site-specific assessment or detailed design proposal that, for example, shows that the local soil conditions are capable of effective disposal of sewage effluent from the development. Similarly, there is little evidence that other factors set out in the Circular have been fully considered. Whilst a condition is suggested to require full details of the PTP to be agreed, such information is a material consideration in the determination of the appeal. It should not be left to be considered after planning permission has been granted. In any event, even if adequate information was provided, I have found that the principle of the PTP would be unacceptable and in conflict with national and local planning policy.
8. I conclude that the proposal would not make suitable provision for foul water drainage and would result in an unacceptable risk of pollution to the local environment. This would be contrary to national planning policy relating to drainage and the overarching presumption in favour of sustainable development as set out in Policy SP 1 of the Pembrokeshire Local Development Plan (LDP). The proposal would also be contrary to LDP Policy GN 1 that amongst other things seeks to ensure development has provision for necessary and

appropriate infrastructure and would not have a significant adverse impact on water quality.

Other Matters

9. The Council considers that the principle of holiday lets would be acceptable and having regard to the evidence and the relevant LDP policies I do not disagree. I have also considered local representations that raise several matters including highway safety, residential amenity and biodiversity. On the latter point and as explained above, I have not sought to examine the effects on the River Teifi SAC given my findings on the main issue. In terms of the effects on species that may use the building, the Council's ecologist does not object subject to recommendations set out in a protected species report. I have no other tangible evidence to dispute this conclusion. From my observations on site and having regard to the design and relationship of the appeal property to neighbouring houses, I am also satisfied that the proposal would not give rise to any material harm in respect of amenity or highway safety. Nonetheless, none of the above factors would outweigh the harm that I have identified in relation to the main issue.

Conclusion

10. 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 the Welsh Ministers' well-being objective to make our cities, towns and villages even better places in which to live and work.
11. For the above reasons and having regard to all matters raised, I conclude that the appeal is dismissed.

P J Davies

Inspector