



Mr Michael Rees

Boyer Planning  
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CF23 8RS

Eich cyf : Your ref: 01.106  
Ein cyf : Our ref: qA952183  
Dyddiad : Date: 02 November 2011

Dear Mr Rees,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED):**  
**SECTION 78**  
**APPEAL BY CRICKHOWELL ESTATES**  
**FOR REDEVELOPMENT OF FORMER ARMY CAMP LAND FOR COMPREHENSIVE**  
**MIXED USE DEVELOPMENT AT CWRT Y GOLLEN, NEAR CRICKHOWELL**

1. Consideration has been given to the report of the Inspector Alwyn B Nixon BSc (Hons), MRTPI who held an Inquiry into your client's appeal for redevelopment of former army camp land for comprehensive mixed use development comprising residential development, employment provision, a pre-school day nursery, a residential care home, open space provision including allotments, community orchard, sports provision and associated infrastructure works at Cwrt y Gollen, near Crickhowell.
2. On 15 July 2010 a direction was issued by the Planning Inspectorate under the authority of the Minister for Environment, Sustainability and Housing that the Section 78 appeal should be determined by the Welsh Ministers rather than by a planning inspector. The reason for this direction was that the appeal relates to residential development of more than 150 houses, or on more than 6 hectares of land.
3. Under the provisions of the Government of Wales Act 2006 the powers of the Secretary of State to determine appeals made under Section 78 of the 1990 Act have been transferred to Welsh Ministers and in this case these functions have been exercised by the Minister for Environment and Sustainable Development.

4. The Inspector's conclusions are set out in paragraphs 225-284 of his report, a copy of which is enclosed. The Inspector recommended the appeal be dismissed; the Minister agrees with the Inspector's conclusions for the reasons given by him and accepts his recommendation, subject to the comments in paragraphs 5–16 below.

5. In the Brecon Beacons National Park Authority's (BBNPA) evidence, at paragraphs 73 to 96 of the Inspector's report, the interpretation of paragraph 5.5.6 of Planning Policy Wales (PPW), Edition 4 (February 2011) is discussed. BBNPA considers the meaning of this policy, concerning the special considerations that apply to major development proposals, to be different to that of paragraph 22 of Planning Policy Statement 7 (PPS 7), the English equivalent.

6. The Inspector suggests in paragraph 233 of his report that Ministers will wish to consider whether further consideration needs to be given to national policy on this point and whether in any event additional clarification of the position in Wales is required. Planning is a devolved matter in Wales and the Minister takes the view that the Welsh Ministers are entitled to take a different policy position on matters relating to planning to that in England. Consequently, he does not agree with the BBNPA's view that it is anomalous and undesirable to have planning policy guidance that is different in England and Wales. Notwithstanding the interpretation of paragraph 5.5.6 of PPW, the Minister considers that any differences between PPW and PPS 7 are not factors which weigh either in favour or against this application. The Inspector has considered the application against PPW, the relevant planning policy applicable to applications in Wales, and the Minister sees no reason to disagree with that approach.

7. The Inspector notes, in paragraph 227 of his report, that the appellant and BBNPA agree that the policy within paragraph 5.5.6 of PPW, concerning the special considerations that apply to major development proposals which are more national than local in character, does not apply to this proposal. The Inspector agrees with this interpretation in paragraph 228 of his report and explains, in paragraph 234 of his report, that his consideration underpinning his recommendation of this appeal is based on this interpretation. He concludes that the proposal, therefore, is not in conflict with the requirements of paragraph 5.5.6 of PPW.

8. The Inspector goes on to say in paragraph 234 that, whilst the scale of the development makes it unusual in a National Park context, he can find nothing in the proposed development's character that renders it necessary to consider it on the basis of national considerations or against tests of overriding public need or consequences of permission or refusal for the local economy. He considers the issues concerning the planning merits of the development and the acceptability of its effects are appropriately and adequately considered within the framework of local development policy, national planning policy guidance and against the statutory purposes of National Parks. The Minister agrees with the Inspector's conclusions in these respects.

9. The Inspector considers, in paragraph 235 of his report, the statutory development plan to comprise the 1996 adopted Powys Structure Plan and 1999 adopted Brecon Beacons National Park Local Plan and the Minister agrees with that view. The Inspector notes that

the statutory requirement in relation to the development plan is to have regard to its provisions, and to determine the proposal in accordance with the development plan unless material considerations indicate otherwise. He concludes that the proposed development does not accord with the development plan and that in terms of applying the statutory test, the question is whether there are material considerations which indicate a decision otherwise than in accordance with the development plan. The Minister agrees with this conclusion.

10. In terms of material considerations, the Inspector recognises that the provisions of the Unitary Development Plan (UDP) are a significant material consideration. Whilst the Inspector notes that the UDP allocates the site for mixed use development and the proposal accords with the mix and extent of uses, in land area terms, identified in UDP policy SS5, and indicated by the development principles included within the UDP, he considers that the development principles are not exhaustive or definitive and are to be read in conjunction with the relevant policies in the UDP. The Minister agrees with his assessment.

11. The Inspector also considers the emerging Local Development Plan (LDP) to be a material consideration. In his view it would be unduly prejudicial to the LDP and the strategy it embodies to permit such a large quantity of housing in this location in advance of the comprehensive and detailed consideration of the Plan at examination. The Minister can see no reason to disagree with the Inspector's view in this respect.

12. The Inspector also considers the statutory purposes of National Parks to be central to this case and for the National Park Management Plan to be material. He concludes that the landscape and visual impact of the proposed development is such as to render the development contrary to the aim of preserving the settlement pattern which he considers to be a significant element of the cultural heritage of this part of the National Park. The Minister agrees with the Inspector's conclusion.

13. The Minister agrees that the proposed development would be contrary to local plan housing policy H8 and structure plan policy H9, as well as the local plan's policies for new employment development. He also agrees that the size and location of the proposed development are such that it would be contrary to structure plan policy EC2 and local plan policy G3 and to the statutory purpose of conserving and enhancing the natural beauty and cultural heritage of the National Park. On the same basis it would also be contrary to policy G3 in the National Park Authority-approved UDP and policies SP1, SP10 and policy 1 in the deposit draft LDP.

14. The Inspector recognises that the allocation of the site for mixed use development under UDP policy SS5, the BBNPA's approval of the development brief and the provisions of the section 106 obligations are material considerations weighing in favour of the proposed scheme. He also recognises that the scheme represents a re-use of previously-developed land that would incorporate a number of sustainable features. The Minister agrees with the Inspector in these respects. However, notwithstanding this, the Minister also agrees with the Inspector that the location of the development would still be such as to result in a heavy reliance on trips by private car and that the size and location of the residential element of the proposal and the consequence implications for the natural beauty and cultural heritage of the National Park are such that in overall terms the proposal fails to represent a sustainable form of development.

15. The Inspector considers that the scheme would be acceptable in terms of its effects on the local highway network, flood risk matters, proximity to Ministry of Defence uses and implications for drainage issues and the Minister agrees with that view.

16. The Inspector concludes that the size and location of the proposed development and its consequential effects upon the special qualities of the National Park represent a fundamental objection to the scheme. Notwithstanding the various benefits identified, he considers material considerations do not exist in this case which indicate a determination otherwise than in accordance with the development plan. The Minister agrees with this conclusion.

### **FORMAL DECISION**

17. Subject to the comments at paragraphs 5-16 above, the Minister agrees with the Inspector's conclusions for the reasons given by him and accepts his recommendation. Accordingly, the Minister hereby dismisses this appeal and refuses outline planning permission for comprehensive mixed use development comprising residential development, employment provision, a pre-school day nursery, a residential care home, open space provision including allotments, community orchard, sports provision and associated infrastructure works at Cwrt y Gollen, near Crickhowell.

18. A copy of this letter has been sent to Tamsin Law, Development Control Technical Planning Assistant at Brecon Beacons National Park Authority, and to those interested persons who appeared at the inquiry.

Yours faithfully,



**Teresa Davies**  
Head of Decisions Branch  
Planning Division

Signed under authority of the Minister for Environment and Sustainable Development  
one of the Welsh Ministers

Enc: Leaflet "H" & "HC"