

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **WEDNESDAY, 20 FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **049839 - OUTLINE - ERECTION OF A LOCAL NEEDS DWELLING AT WERN ROAD, RHOESMOR, MOLD.**

APPLICATION NUMBER: **049839**

APPLICANT: **MRS M E MORRIS**

SITE: **LAND AT WERN ROAD, RHOESMOR, MOLD , FLINTSHIRE**

APPLICATION VALID DATE: **12 JUNE 2012**

LOCAL MEMBERS: **COUNCILLOR C LEGG**

TOWN/COMMUNITY COUNCIL: **HALKYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **CLLR C LEGG REQUESTS THAT COMMITTEE HAVE THE OPPORTUNITY TO VIEW THE APPLICATION SITE , TO SEE THE RELATIONSHIP OF THE APPLICATION SITE IN RELATION TO THE SETTLEMENT BOUNDARY OF RHOESMOR**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This outline application seeks planning permission for a local needs bungalow on land at Wern Road, Rhosesmor.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 The proposal is contrary to Policies STR1, GEN1, GEN3, HSG4 and HSG11, of the Unitary Development Plan in that it involves development outside a recognised settlement boundary, without sufficient justification., the dwelling will not be managed by a housing association or similar organisation.

The proposal will not result in an extension to the settlement but will take the form of sporadic development which will be harmful to the character and appearance of this open countryside location.

3.00 CONSULTATIONS

3.01 Local Member Councillor C Legg

Requests referral of the application to committee and a site visit to enable the Members to see the location of the site in relation to the settlement boundary of Rhosesmor. In addition Cllr C Legg cites the personal circumstances of the applicant in relation to this application.

Halkyn Community Council Support the application

Head of Assets and Transportation
Recommend that any permission shall include a condition for the loading, unloading parking and turning of vehicles and these facilities shall be provided prior to the proposed development being brought in to use.

Head of Public Protection Pollution

Confirm no objections to the proposal. However, records indicate that the site is in an area of extensive lead mining operations, therefore recommend conditioning any consent for a contaminated land site investigation, in order to safeguard the development against the risks of possible contamination.

Countryside Council for Wales

The Countryside Council for Wales do not object to the proposal as it is not considered to adversely affect the historic landscape or natural heritage interests of the area.

Environment Agency

The Environment Agency have assessed the application as having a low environmental risk, however standard advice is relevant.

Open Spaces Society

No response received at time of writing

Flintshire Local Access Forum

No response received at time of writing NOTE : (Having checked our records it is evident that the development will not affect common land).

Housing Strategy Unit

Tai Clwyd have assessed the applicant in terms of requiring affordable housing as she is unable to purchase another property

based upon her income ,she also meets the local connection criteria. Therefore should planning consent be granted the applicant will be required to enter in to a Section 106 legal agreement to ensure future local need and affordability requirements of the locality are met.

Welsh Water/Dwr Cymru

Request that if minded to grant consent that conditions and advisory notes are included within any consent, with regard to foul and surface water discharges are to be drained separately from the site, no surface water shall be allowed to connect to the public sewerage system unless agreed in writing. Land drainage run-off shall not be permitted to discharge into the public sewerage system.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

Advertised as a departure to the development plan, two letters of support of the applicant have been received. One letter is from the National Federation of Women's Institutes confirming that the applicant has been an active member of the WI, the graziers association and the church for decades. The letter outlines the personal circumstances of the applicant and considers that the site is on the fringe of the village and as the site is within the applicant ownership would enable her to continue with her small holding activities and would enable her to retain her roots within the village community, and they consider that the application would not affect anyone else in the village as her present access is off Nant Figillt Lane .

In addition to the above another letter in support of the application has been received from the applicant's daughter outlining the local connection her mother has to the village and her active involvement in the village community over decades, and the personal circumstances the applicant now finds herself in.

Halkyn Graziers have raised no objections to the planning application.

5.00 SITE HISTORY

5.01 None

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 New Development

GEN1 General Requirements for Development

GEN3 Development in the Open Countryside

HSG4 New Dwellings Outside Settlement Boundaries

HSG11 Affordable Housing in Rural Areas

Planning Policy Wales edition No 5 November 2012

Para 9.3.6 Unjustified Development in the Open Countryside.

TAN 2 (Planning and Affordable Housing)

TAN 6 (Sustainable Rural Communities)

7.00 PLANNING APPRAISAL

- 7.01 This outline application seeks planning permission for the erection of a (local needs) bungalow in the open countryside. The site is located away from neighbouring settlements and their settlement boundaries. As this is an outline application, there are very limited details submitted. The application site is presently a flat grassed pasture field, with established hedges surrounding the site. There is an existing agricultural access in situ, served off an existing unmade single track width access, highways have raised no objection to the proposed access but have stipulated, that if consent were granted that parking and turning provision be provided and retained within the site in the interest of highway safety. The site is opposite a detached single dwelling. A letter of support has been submitted by the applicant accountant citing the applicant personal circumstances, with regards to the selling of the family farm unit, and if consent were granted this would enable the applicant to live on land within her ownership, and requested that these details are taken in to account in the consideration of this application.
- 7.02 The Application Site's Location and Local Housing Need
The application site is located within the open countryside, physically separated from the settlement boundary of Rhosesmor by approx 54 m, and as such the site neither abuts or adjoins the existing settlement boundary of Rhosesmor. The site has been chosen as the application site, as it is within the applicants ownership and would allow the building of a property on land within her ownership, notwithstanding the fact that its in the open countryside.
- 7.03 Policy HSG11 Affordable Housing in Rural Areas allows development outside settlement s in certain circumstances however, only where there is evidence of genuine local need for such provision. In this case there has been little evidence forwarded in support of this case but, the Housing Strategy Officer has confirmed that Tai Clwyd have assessed the applicant in terms of requiring affordable housing (as the applicant is unable to purchase another property based upon her income) and confirm that she does meet the local connection criteria. The family circumstances are such that the applicant has to leave her current home.
- 7.04 Notwithstanding the above, any local affordable housing site, to be compliant with policy HSG11, should abut the settlement boundary

and form a logical extension to the settlement, (thus avoiding ribbon or fragmented development, as would be the case if allowed in this location in the open countryside). The application site is physically removed from the surrounding settlement boundary of Rhosesmor, and as such is not considered to be compliant with Policy HSG11. Further more, Policy HSG 11 also requires that rural exceptions scheme are managed by a housing association, the County Council, a bone fide trust or similar organisation. Whilst noting the comments of Tai Clwyd and the Council's housing officer about local need existing, there is no commitment from the applicant or a suitable affordable housing body to manage the scheme in line with policy requirements to ensure it remains affordable in perpetuity.

- 7.05 The presumption against unjustified development in the open countryside is further strengthened by Policy STR1 of the Flintshire Unitary Development Plan seeking to direct all new development to existing built areas and sites in order to protect the open countryside from unsustainable sporadic development.
- 7.06 The planning statement submitted with the application declares that the nearby 17ha agricultural holding does not support a full time agricultural worker, as a result of this, the development does not constitute essential worker housing, which may have allowed an exemption to the normal presumption against unjustified development in the open countryside under policy HSG4 . Subject to the evidence supporting this.
- 7.07 Whilst the Local Planning Authority are sympathetic to the circumstances of the applicant , the proposal is considered to be contrary to national planning guidance of Planning Policy Wales, the Technical Advice Notes and the objectives of the relevant policies of the Flintshire Unitary Development Plan , cited above , which seek to restrict unjustified development in the open countryside.

8.00 CONCLUSION

- 8.01 The proposal is considered to be contrary to policies STR1, GEN1, GEN3, HSG4 and HSG11 of the Flintshire Unitary Development Plan, in that it does not meet the criteria for justified development in the open countryside, in addition the application is also considered to be contrary to the provisions of the guidance of Planning Policy Wales, para 9.3.6 Unjustified Development in the Open Countryside and the Technical Advice Note TAN 2 (Planning and Affordable Housing) and Technical Advice Note TAN 6 (Sustainable Rural Communities).

If the proposal were allowed it would lead to unjustified development in the open countryside, which is contrary to the national guidance of Planning Policy Wales , TAN2 and TAN6 and the local development plan policies.

In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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