

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **WEDNESDAY, 24 JULY 2013**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **050744 - OUTLINE APPLICATION - ERECTION OF A DORMER BUNGALOW AT 1 PYSTYLL COTTAGES, CYMAU**

**APPLICATION NUMBER:** **050744**

**APPLICANT:** **MR & MRS DELWYN HUGHES**

**SITE:** **LAND ADJACENT 1 PYSTYLL COTTAGES, CYMAU, FLINTSHIRE, LL11 5ER**

**APPLICATION VALID DATE:** **29<sup>TH</sup> MAY 2013**

**LOCAL MEMBER:** **COUNCILLOR MRS. H. T. ISHERWOOD**

**TOWN/COMMUNITY COUNCIL:** **LLANFYNYDD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **AT REQUEST OF LOCAL MEMBER**

**SITE VISIT:** **YES. REQUESTED BY LOCAL MEMBER IN ORDER THAT COMMITTEE MEMBERS CAN VIEW THE CONTEXT OF THE SITE**

**1.00 SUMMARY**

1.01 This outline application is submitted with all matters of detail reserved for future consideration and approval. It seeks to establish the principle of the development of the site for the erection of a detached dormer bungalow.

**2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

2.01 1. If allowed, the proposed development would be located in the open countryside in an area where there is a general presumption against development of this nature. As such the proposal would be contrary to the provisions of Policies STR1, STR4, GEN1, GEN3, HSG4 and HSG5 of the Flintshire Unitary

Development Plan and the advice and guidance set out within Planning Policy Wales (Ed.5 Nov 2012) Paragraphs 9.3.2, 9.3.3 and 9.3.6 and contained within TAN6: Planning for Sustainable Rural Communities, Chapter 4. The applicant has provided no justification as to why the application should be approved contrary to these policies.

2. The proposal represents non-essential development in the open countryside which will be detrimental to the character and appearance of the locality. As such the development would be contrary to Policies STR7, GEN1, GEN3 and L1 of the Flintshire Unitary Development Plan.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

Councillor Mrs. H. T. Isherwood

Requests that the application be determined by committee in order that the applicant may present their case in relation to Policy HSG5.

Requests that a committee site visit is held to afford the opportunity to view the site in context.

Llanfynydd Community Council

No response at time of writing.

Head of Assets and Transportation

No adverse comments. Requests the imposition of conditions.

Public Footpath 11 abuts the site but appears to be unaffected by the proposals.

Head of Public Protection

No adverse comments.

Welsh Water/Dwr Cymru

No objection subject to conditions and notes.

Natural Resources Wales

No objection. Standard advice applies.

Coal Authority

No objection. Standard advice applies.

### **4.00 PUBLICITY**

- 4.01 The proposal has been advertised by way of a press notice, display of a site notice and neighbour notification letters.

- 4.02 At time of writing, 2No. letters have been received in response to this

publicity exercise. One letter offers outright support to the proposal whilst the second is supportive provided the proposals comply with the applicable planning policies.

## **5.00 SITE HISTORY**

5.01 No previous site history.

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan (FUDP)

Policy STR1 - New Development

Policy STR4 - Housing

Policy STR7 - Natural Environment

Policy GEN3 - Development in the Open Countryside

Policy L1 - Landscape Character

Policy AC13 - Access and Traffic Impact

Policy HSG4 - New Dwellings Outside Settlement Boundaries.

Policy HSG5 - Limited Infill Development Outside Settlement Boundaries

Planning Policy Wales. Section 9.3 especially.

TAN 6 : Planning for Sustainable Rural Communities. Chapter 4

6.02 The site is located outside of the settlement boundary of Cymau as defined within the FUDP. The site does not lie within any other defined settlement boundary and is therefore located in an area of open countryside.

6.03 The above policies relate to, and reflect the long established general planning presumption against new development within areas of open countryside. These policies focus upon new housing proposals in the open countryside in particular, and direct that only in the most exceptional, and clearly specified of circumstances, will such proposals be considered to be acceptable.

6.04 As will be demonstrated in the appraisal below, this proposal does not accord with the applicable policy guidance.

## **7.00 PLANNING APPRAISAL**

7.01 Site Description

The site forms part of the domestic curtilage to No. 1 Pystyll Cottages. The site is currently used as garden and is predominantly laid to grass with a double drive width area of hardstanding to the eastern part of the site abutting the existing pre-fabricated concrete garage. The site contains a number of fruit trees of varying maturities and domestic ancillary structures. The site boundary to the south is formed by a mature and well established hedgerow. The northern boundary has a

similar appearance at first glance but is actually comprised of a stone wall with vegetation growing behind and over the wall. There are no formal demarcations of the western or eastern boundaries of the site.

7.02 The site slopes downhill from its northern boundary abutting the highway towards its southern boundary with open agricultural fields further to the south. The site has a slight slope from east to west and in both respects, is reflective of the topography of the surroundings.

7.03 The site is bounded to the west by the applicants' property, No.1 Pistyll Cottages which is the easternmost cottage of a terrace of 3 cottages, and its associated curtilage. The site is bounded to the south and west by areas of open countryside in the form of open agricultural fields. An un-adopted lane abuts the northern boundary, over which the route of Footpath 11 runs.

7.04 The Proposal

The proposal is submitted in outline, with all matters of detailed reserved for subsequent consideration, and seeks to establish the principle of the development of this 0.03 hectare site for the purposes of providing a dwelling. The description attributed to the application advises the intention relates to the provision of a detached dormer bungalow although, as advised, no details of the building area provided.

7.05 Main Planning Issues

Given the outline nature of the submissions, the main issue in this case is the impact of the proposal on policies designed to control the provision of housing and protect the countryside. However, there are also the issues of potential conflict between pedestrian users of Footpath 11 and additional traffic generated as a result of the proposal, and landscape impact to consider.

7.06 Policy Principle

The site lies within an area of open countryside. National planning guidance, contained within Planning Policy Wales (PPW), makes it clear that new development in the open countryside is generally inappropriate, except under certain specified circumstances. This general presumption is reinforced and the exceptions clearly identified within Policy GEN3 of the FUDP. Any proposals which cannot satisfy the criteria contained therein are therefore considered to be inappropriate development. Inappropriate development is, by definition, harmful to the character and appearance of the open countryside as should be resisted.

7.07 However, this policy does allow limited housing infill development to meet proven local need as an exception to GEN3. Policy HSG5 elaborates and says that limited infill development for one or two housing units will be allowed provided that the proposal is to meet a proven local housing need and subject to a number of criteria. These

include that the site comprises a small gap within a clearly identifiable small group of houses within a continuously developed frontage, does not constitute or extend existing ribbon development and respects adjacent properties and the surrounding area.

7.08 The site is located on the southern side of an unadopted lane and is located upon an area of land adjacent to a terrace of cottages. Other sporadic housing exists to the north and northwest of the site. The applicant suggests that this pattern of development supports the view that the site is a clearly identified gap, within what is a sporadic group of houses, which would satisfy the criteria identified within HSG5 and is therefore an infill plot.

7.09 Policy HSG5 is clear that for a gap to be considered as infill it must be a gap within a continuously developed frontage within a group of houses, and I consider that the site could not be considered as part of such a frontage and is therefore design not constituting infill development. Moreover the site, as described previously, is located on the end of a terrace of cottages, with a distinct gap between both the site and the existing terrace created as a result of the indicative siting. The proposed dwelling would therefore extend ribbon development in a westerly direction along the lane towards an area clearly open in character and devoid of further housing development. The proposal would seem an incongruous addition as a consequence.

7.10 Furthermore no evidence has been advanced in support of the application to suggest that there is a case of proven local need that would justify the application of the exception that policy HSG5 introduces.

7.11 Highway Issues

It is apparent that the lane is narrow and un-adopted, with no footways and in addition to providing access to the group of dwellings in this area, represents part of the route of Footpath 11. I am of the view that the development would introduce additional traffic and I consider that this would introduce an additional risk of conflict between vehicles and pedestrians. I consider that it would not be at such a level that road safety within the lane or at its junction with the adjacent highway would be significantly compromised, and the Head of Assets and Transportation shares this view, but it does add weight to my previous conclusions in respect of the unsuitability of this site for development.

Landscape Impact

7.12 The site is not well screened to views from the south, south west and south east. The development of buildings along the lane largely reflects the historic development of the area and its' agricultural workers cottages and to a great extent, the open spaces between the groups and terraces of cottages along the lane are an important part of this character and maintain the sense of rurality and spaciousness that characterises the area. The proposal would undermine this

character and the openness of the open countryside as a result.

## **8.00 CONCLUSION**

8.01 Overall, I conclude that the proposal does not therefore constitute infilling and I conclude that the proposal is inappropriate development in the open countryside contrary to Policy GEN3 of the FUDP and national planning guidance contained within PPW. There would also be some other harm to the character and appearance of the area and to pedestrian safety as a result of the proposal. There are no exceptional circumstances which clearly outweigh the harm.

8.02 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.

**Contact Officer: David Glyn Jones**  
**Telephone: 01352 703281**  
**Email: [glyn\\_d\\_jones@flintshire.gov.uk](mailto:glyn_d_jones@flintshire.gov.uk)**