

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24th JULY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR JONATHAN BARTON AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A ONE PLANET DEVELOPMENT – ERECTION OF ONE DWELLING AND AGRICULTURAL BUILDINGS WITH ASSOCIATED WORKS AT WARREN DINGLE FARM, MOLD ROAD, PENYFFORDD – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 **049721**

2.00 APPLICANT

2.01 **MR JONATHAN BARTON**

3.00 SITE

3.01 **WARREN DINGLE FARM, MOLD ROAD, PENFFORDD, CHESTER CH4 0AB**

4.00 APPLICATION VALID DATE

4.01 **18TH JUNE 2012**

5.00 PURPOSE OF REPORT

5.01 To inform members of the appeal decision, against flintshire county council for failure to give notice, within the prescribed period of a decision on a full planning application for a one planet development – erection of one dwelling and agricultural buildings with associated works. the appeal was considered by way of an exchange of written representations and was dismissed.

6.00 REPORT

6.01 **Procedural Matter**

The Inspector noted that the appeal is against the failure of the Local Planning Authority (LPA) to determine the application within the statutory period. However the LPA indicated the grounds on which they would have refused the application.

The grounds given are that the Council do not consider that the Management Plan (MP) meets the requirements set out in the national guidance to justify the exceptional nature of the development or to provide a basis for ongoing monitoring and review. The Council do not consider that it has been conclusively shown that the proposed development would provide for the basic needs of the family.

6.02 **Main Issue**

The Inspector considered the main issue to be the impact of the proposal on policies designed to control the provision of housing and protect the countryside.

6.03 **Reasons**

In the report the Inspector outlines the requirements of Policy HSG4 and also refers to Technical Advice Note 6 – Planning for Sustainable Rural Communities (TAN6).

The Inspector notes that the application includes development of an agricultural dwelling but within the auspices of One Planet Development (OPD) and outlines the requirements for such development, mainly that over a reasonable length of time (no more than 5 years) it should provide for the minimum needs of the inhabitants in terms of income, food, energy and waste assimilation.

The requirements for ODP applications located in the open countryside and the need for such applications to be supported by robust evidence are detailed within the Inspectors report.

The Inspector notes that the appellant has provided a Business Plan, but comments on the lack detail within it. He also remarks that the food requirements of the family are not specifically quantified against the amounts of food produce grown or the surplus.

It is also noted that the Business Plan is dependant to a certain extent on land outside the application site, which, then questions whether the appeal site is capable of supporting the family's needs on its own. The Inspector accepts that the agricultural appraisal submitted with the appeal suggests that there is sufficient land within the appeal site to satisfy a family's needs, however this should be specifically quantified in the MP. He also questions how the agricultural appraisal relates to the requirements for OPD.

The role of volunteers within the proposed development and how their

food needs would be allocated is unclear. The Inspector refers to PG which states that the produce grown and reared on site must be the result of the labours of the occupants of the site and not hired hands.

The Inspector remarks on the lack of detail/quantified evidence submitted in regard to: the water requirements of the family and holding; the various energy sources to be used within the life of the MP.

The Inspector does not share the Council's concerns in regard to the ploytunnels, but does consider that there is a lack of information as to whether they and other agricultural buildings on site would be zero carbon in both construction and use.

The Inspector acknowledges that the appellant has provided a lot of the evidence required and that the PG was published after the submission of the application. However, there remain a number of weaknesses within the evidence and therefore does not comply with the requirements of the PG.

In addition the Inspector acknowledges that there are few examples of such development and of the process of completing a MP. Nevertheless the PG represents clear guidance as to the scope and detail of the evidence that is required.

The MP is a prerequisite for ODP and should adequately address the qualifying criteria contained within PG together with providing an acceptable monitoring process based on clearly stated indicators. The Inspector considers that such detail should not be the subject of conditions nor should the assessment of materials and construction of the dwelling.

The Inspector agrees that the appellant has shown that some of the requirements TAN 6 are capable of being satisfied and an OPD may be achievable on site. Even so the proposal lacks detail and a clear strategy for their achievement and development. A draft S106 agreement has been submitted with the appeal, but this is not complete and the Inspector considers that the MP does not represent an acceptable basis for such an agreement.

7.00 CONCLUSION

7.01 In conclusion the Inspector states that, overall, whilst the appellant has outlined a laudable proposal for OPD in this case, the MP lacks a clear and coherent strategy and structure that binds the individual assessments and reports together, and has a resilient and measurable monitoring process. The MP lacks detail in the key aspects that he has identified and as a result the evidence is insufficiently robust to satisfy the requirements of TAN 6 and the guidance contained within the PG.

For these reasons the proposal conflicts with the requirements of national guidance contained within TAN6. TAN 6 says where this cannot be demonstrated, proposals should be considered against policies which seek to control development in the open countryside. The proposal also therefore conflicts with policy HSG4 of the UDP.

Consequently for the reasons given above and having considered all other matters raised the Inspector concluded that the appeal should be DISMISSED.

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