

FLINTSHIRE COUNTY COUNCIL

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

DATE: **11TH DECEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY J & T GIZZI BUILDERS LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A PART RETROSPECTIVE APPLICATION FOR THE CREATION OF A TRACK/DRIVE USING AN EXISTING ACCESS POINT OFF A55 SLIP ROAD INCLUDING THE EXCAVATION AND REMOVAL OF SOIL/CLAY AND REPLACE WITH HARDCORE AT SPRINGFIELD, NORTHOP ROAD, NORTHOP.**

1.00 APPLICATION NUMBER

1.01 050002

2.00 APPLICANT

2.01 J & T GIZZI BUILDERS LTD

3.00 SITE

3.01 SPRINGFIELD
NORTHOP ROAD
NORTHOP

4.00 APPLICATION VALID DATE

4.01 4TH OCTOBER 2012

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal into the refusal of planning permission for the part retrospective application for the creation of a track/drive using an existing access point off A55 slip road including the excavation and removal of soil/clay and replace with hardcore at Springfield, Northop Road, Northop by the Head of Planning under delegated powers. The appeal was held by way of Written Representation and a site visit. The Appeal was DISMISSED.

6.00 REPORT

6.01 Preliminary Matters

During the Inspectors site visit he noted that a base course topped with an aggregate surface was in place for some distance adjacent to the field boundary with the A55 westbound exit slip road and although the description of the development that appeared on the Council's decision notice and used by the appellant in the appeal form states "Part retrospective application for the creation of a track/drive using an existing access point off A55 slip road including the excavation and removal of soil/clay and replace with hardcore", the appellant argued that the planning application did not seek retrospective planning permission. The Inspector has therefore determined the appeal on its merits based on the description given in the planning application as "Creation/enhancement of existing track/drive. Excavation & removal of soil/clay and replace with hardcore".

6.02 Introduction

The Inspector considered that the main issue in the case was the effect of the proposal on the character and appearance of the surrounding rural area.

6.03 Appeal Site/Surrounding Area and Policies

The Inspector noted that appeal relates to land outside a settlement boundary and policies that relate to development in the countryside are relevant in these circumstances. The Flintshire Unitary Development Plan [UDP] indicates that, other than in very specific circumstances, new development will generally not be permitted in the open countryside. The proposal is in a landscape characterised by small hedge lined fields and tree belts. Whilst the A55 dual carriageway is immediately to the north and a large golf complex to the west, the area is predominantly rural in character.

6.04 The proposal would use the existing access point directly off the road linking the B5216 and the A55 exit slip road. This access formed part of the original access track to a dwelling (Springfield). Having disposed of land that included the route of the access track, Springfield has no vehicular access and is not occupied. In general terms the Inspector accepted the principle that a suitable vehicular access is required to serve Springfield and the agricultural land. It is not unreasonable to regard such development as falling within the terms of UDP Policy GEN3.

6.05 The proposal would utilise an easement along the edge of an open field to link some 12 acres of agricultural land in the appellant's ownership and Springfield with the public highway. This 400m easement runs parallel with the boundary fence adjacent to the A55 slip road. The appellant has confirmed that the easement was 5m wide. However, the material submitted with the planning application and the appeal submissions refer to a 6m wide easement. The Inspector did not however consider this difference in width was crucial to his decision.

- 6.06 Apart from the excavation work and filling that had already taken place, the Inspector saw no evidence of a track leading to the adjoining agricultural land or to Springfield on the alignment of the easement. There was however, a natural break in the hedgerow between the two fields which includes a crossing over a small brook. This was clearly the historic access point between the two fields.
- 6.07 There is a large willow tree at the point at which the proposed track would cross between the two fields. This willow forms part of a substantial tree belt alongside the A55 that makes a significant contribution to the landscape character of the area. In the Inspectors opinion the removal of this tree would unacceptably weaken the tree belt to the detriment of the landscape character of the area.
- 6.08 The proposed track would cross an open field that slopes gently upwards from its boundary with the A55 to Springfield. The route pays no heed to the position of the nearby hedgerow and I consider the route would appear as a brutal scar seriously undermining the rural landscape.
- 6.09 The submitted plans and Design and Access statement indicates the track having a constant width. However, the appeal submissions indicate that it is envisaged that the track would be about 3 metres in width for the most part extending to a maximum of 4 metres to allow for the provision of passing places. No details of the number or location of these passing places has been provided. The appeal submissions also referred to additional hedgerow planting, fencing and more substantial mitigation planting. Again no details have been provided.
- 6.10 The Inspector did not consider that additional landscaping would overcome the inappropriate alignment of the track through the appellant's field or overcome the harm caused by the removal of the willow tree. It was his opinion that none of these matters could be adequately resolved by imposing conditions as suggested by the appellant.

7.00 CONCLUSION

- 7.01 For the above reasons the inspector concluded that the proposal would resulting in an incongruous and jarring development in the open countryside. This would cause unacceptable harm to the character and appearance of the surrounding rural area and would be contrary to UDP Policy GEN1 and L1. On that basis He DISMISSED the Appeal.

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