

FLINTSHIRE COUNTY COUNCIL

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

DATE: **15TH JANUARY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR. J.P. CARR AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF FOUR DWELLINGS AT LAND ADJACENT TO NO. 1 PAPERMILL COTTAGES, PAPERMILL LANE, OAKENHOLT, FLINT.**

1.00 APPLICATION NUMBER

1.01 **050243**

2.00 APPLICANT

2.01 **MR. J.P. CARR**

3.00 SITE

3.01 **LAND ADJACENT TO NO. 1 PAPERMILL COTTAGES, PAPERMILL LANE, OAKENHOLT, FLINT.**

4.00 APPLICATION VALID DATE

4.01 **29TH NOVEMBER 2012**

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to an appeal against the refusal of planning permission for the erection of four dwellings on land adjacent to 1 Papermill Cottages, Papermill Lane, Oakenholt, Flint. The application was refused under delegated powers on 23rd January 2013. The appeal was held by way of an informal hearing and a site visit. The appeal was DISMISSED.

6.00 REPORT

6.01 **Background**

Members will recall that a similar application – 047797 was refused on 27th June 2011 and appeal dismissed on 6th January 2012.

6.02 Issues

The Inspector considered that the main issues were the principle of the development in planning policy terms, the effects of the proposal upon the openness of the green barrier, the effects upon the character and appearance of the site and surrounding area and whether or not there were any exceptional circumstances which would outweigh the harm such development would have upon the green barrier.

6.03 Principle of Development

The development site lies outside of any recognised settlements and within green barrier as detailed within the Flintshire Unitary Development Plan. As such, development proposals outside settlement boundaries will be permitted if it is one of a limited number of exceptions. The only exception that the appellant relied upon was for affordable housing exception schemes adjoining existing villages in accordance with Policy HSG11. Similarly, development within the green barrier will only be permitted if it is an affordable housing exception scheme with Policy HSG11.

6.04 Policy HSG11 explains that outside settlement boundaries, proposals to develop affordable housing in rural areas will be permitted where, amongst other things, there is evidence of a genuine local need. It was agreed that it was likely that there were such a need. However, affordable housing schemes must abut settlement boundaries. The appellant agreed that the scheme did not abut a settlement boundary. However, the appellant referred to paragraph 11.78 of the UDP.

“For the purposes of this policy, “villages” are those Category B & C settlements that lie within Flintshire’s rural area as defined by Flintshire’ Cadwyn Leader+ area and/or the area defined under the Article 33 Rural Areas Initiative maintained by the Welsh Government”.

6.04 The appellant considered that the site fell within an area that was formerly an Article 33 Rural Areas Initiative.

6.05 The Inspector considered that those villages which are Category B or C settlements within the area specified could benefit from affordable housing exception schemes. Oakenholt is not one of these settlements – it is a group of dwellings within the open countryside.

6.06 Due to the reasons above, the Inspector considered that the proposal did not comply with Policy HSG11.

6.07 Planning Policy Wales (PPW) explains that there is a general presumption against inappropriate development in the green barrier. The construction of new buildings in the green barrier is inappropriate development unless it is for one of a number of specified purposes. One of the purposes is affordable housing for local needs. For the

reasons above, the proposal does not accord with the UDP's policies for affordable housing.

6.08 The Inspector considered that the proposals did not amount to sensitive infilling. It would extend built development in the open countryside. Further, it was considered, it would not in visual terms look like the filling in of a small gap. Further still, the Inspector considered that it would not amount to a minor extension to Papermill Cottages – it would amount to a 40% increase in the group.

6.09 Openness of Green Barrier

There is a semi-derelict building on the site that would be removed as part of the proposal. However, the appellant agreed with the Inspector that it was inevitable that the proposal would impact on the openness of the green barrier. There would be a loss of open undeveloped land.

6.10 Character and Appearance of Site and Area

The Inspector was of the view that the proposal would completely change the character and appearance of the site. Not only would the new buildings dominate the site but it would be inevitable that other activities including the parking of cars and the placing of ancillary domestic paraphernalia on the site would occur. The proposal would result in encroachment into the countryside. It was concluded that the proposal would materially harm the existing character and appearance of the site and surrounding area.

6.11 Exceptional Circumstances

The appellant put forward the following considerations which were considered amounted to exceptional circumstances.

1. Need for affordable housing.
2. Oakenholt is in the top 10% in the whole of Wales for housing deprivation.
3. Affordable housing would be implemented at an early date following planning permission.
4. Amount of people on the Council's waiting list for affordable housing have increased over recent years and the proposal would to a limited extent reduce that demand.
5. The proposal is supported by the Council's Housing Strategy Team.

The Inspector, however, did not consider that the matters above did not amount to very exceptional circumstances which outweighed the harm caused to the green barrier.

7.00 CONCLUSION

7.01 For the above reasons, the Inspector DISMISSED the appeal.

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