

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH MARCH 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR. ANDREW LEWIS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A HAY BAY FOR STORAGE OF HAY PRODUCTS ON SITE AT FIELD ON SWAN LANE OPPOSITE THE CUPPINS, PENTRE-BACH, NERCWYS – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 050657

2.00 APPLICANT

2.01 Mr. Andrew Lewis

3.00 SITE

3.01 Field on Swan Lane opposite The Cuppins,
Pentre Bach,
Nercwys, Mold. Flintshire.

4.00 APPLICATION VALID DATE

4.01 25th March 2013

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to an appeal into the refusal of planning permission for the erection of a hay bay for the storage of hay products on site at field on Swan Lane opposite The Cuppins, Pentre Bach, Nercwys, Mold, Flintshire. The application was refused under delegated powers on 20th May 2013. The appeal was determined by way of written representations and a site visit. The appeal was ALLOWED with conditions.

6.00 REPORT

6.01 The application had been refused because the land was unrelated to

any farm holding in the vicinity and the consequent impact on the character of the area. The Inspector considered that the main issues in this case were the effect of the proposed development on the character and appearance of the open countryside particularly with regard to its purpose and its siting.

6.02 Agricultural Purpose

The appeal site is a field in a rural setting and the proposed development is a building for the storage of hay. The Council accepted, and the Inspector agreed, that the production of hay is an agricultural process; the proposed bay would thus be development related to agriculture. As such, and subject to having no unacceptable impacts, it would be permissible in this open countryside location under Policy GEN3 of the Flintshire Unitary Development Plan (UDP), adopted 2011.

6.03 The hay is harvested from the site and the proposed bay would be the minimum size to hold approximately 200 bales. It would be essential in order to keep the hay in a good, saleable condition. Whilst the appellant's hay-making activity is on a small scale it makes a contribution to his overall income. There is no definition of a farm unit in the policy but, as the appellant has no other field, farm or holding, the Inspector considered that it was reasonable to argue that the appeal field constitutes a farm unit for the purposes of Policy RE2. In being reasonably required for an agricultural purpose within the farm unit the proposed development would in the Inspector's opinion comply with UDP Policy RE2.

6.04 Character and Appearance

The proposed building would be a simple, open-sided structure with a shallow, pitched roof. At approximately 4.3m by 4.9m the floor area would be modest but the height to the ridge would be about 5.2m. Nonetheless, positioned at the bottom of the bank and hedge marking the field's western boundary, the proposed building would be well screened and not clearly visible from the lane or nearby dwellings.

6.05 There is a public footpath through the field which links to others crossing the open area of countryside to the east of the site. The land slopes away here such that the proposed building would be elevated and apparent from viewpoints in this area. The bank and hedge would provide a backdrop for it, however, and with its plain, agricultural appearance it would in his opinion harmonise with the site and surroundings, in line with UDP Policy GEN1. The minimal, functional nature of the proposed building and its modest proportions would amount to the good standard of design, form, scale and materials required by UDP Policy D2. Additionally, in protecting the character and amenity of the locality it would comply with the second criterion of that policy.

6.06 The Inspector commented on other matters such as the legitimacy of

other structures and activities on the appeal site, he stated that it was not for him to adjudicate and that he had given little weight to this in reaching his decision. He noted that there had been no objection on highway grounds from the Council's transportation department. Alternative locations within the appeal site have been suggested for the hay bay but he stated that he must make his decision on the proposal before him.

7.00 CONCLUSION

7.01 The Inspector found that the proposed development would be reasonably required for an agricultural purpose and would not harm the character and appearance of the open countryside. It was his view that, in this case, the appeal field constitutes a farm unit and that the proposed development was fully compliant with UDP Policy D2. Having taken all the matters raised into consideration the Inspector **ALLOWED** the appeal.

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