

FLINTSHIRE COUNTY COUNCIL

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

DATE: **3RD SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **APPEAL BY MR. NEIL THOMAS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE TO GRANT OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A SINGLE DWELLING AT 'DEE VIEW', RHEWL MOSTYN, FLINTSHIRE, CH8 9QS.**

1.00 APPLICATION NUMBER

1.01 050561

2.00 APPLICANT

2.01 MR. NEIL THOMAS

3.00 SITE

3.01 'DEE VIEW', RHEWL MOSTYN, FLINTSHIRE, CH8 9QS

4.00 APPLICATION VALID DATE

4.01 4.9.2013

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal into the delegated decision of the Local Planning Authority to refuse to grant outline planning permission for the proposed erection of a single dwelling at 'Dee View', Rhewl Mostyn. The appeal was held by way of an exchange of written representations and was DISMISSED.

6.00 REPORT

6.01 The Main Issues

The Inspector considered there to be 3 main issues for examination in the determination of this appeal. The issues were;

- the effect of the proposal upon policies designed to control housing development;
- the effect of the proposals upon the character and appearance of the area; and
- the effect of the proposal upon the living conditions of future residents as a consequence of instability or contamination.

6.02 Impact upon policy

The Inspector noted the requirements of Policy HSG3 of the Flintshire Unitary Development Plan. He specifically noted its provisions in respect of Category C settlements such as Rhewl Mostyn. He noted the broad national policy thrust to locate development of new housing upon sustainable sites, to re-use previously developed land; and to provide for a variety of housing.

6.03 However, he considered that the proposals were accompanied by no evidence which supported the appellants assertion that the proposals would provide an affordable dwelling. He noted there was no proper assessment of housing need in terms of affordability or the impact upon the broader county wide strategy or pattern of need.

6.04 He concluded the proposals would result in an unjustified further provision of housing in an area of growth already above that planned for as part of the county wide strategic housing growth.

6.05 Character and Appearance

In consideration of this issue, whilst the Inspector noted that the built form of Rhewl Mostyn comprises a range of dwelling types and styles, he was of the view that the orientation of the proposed dwelling would be at odds with the pattern of built form in the area and the relationship of dwellings to their plots. He considered the proposals would give rise to a dwelling which would result in a contrived and cramped form of development.

6.06 Land Stability and Contamination

The Inspector noted the advice of the Coal Authority in relation to the historical legacy for land stability and contamination arising from shallow depth mining activity in the area. He noted that the issues raised could only be addressed where evidence of testing to ascertain the physical attributes of the site and observed that no such evidence had been advanced in support of the application. However, he considered that these matters could be adequately addressed through the imposition of a suitably worded condition.

7.00 CONCLUSION

7.01 After consideration of the above main issues, the Inspector concluded as follows;

- The unjustified provision of a further dwelling in a Category C settlement, already in excess of the 10% growth band, would contravene Policy HSG3 and undermine the housing strategy of the Flintshire Unitary Development Plan;
- The proposed form of dwelling would not sit comfortably within its plot or in relation to the character and appearance of the surroundings; and
- There is a reasonable potential for instability and contamination upon the site and insufficient evidence has been provided to allow and assessment of the risk or scope of remedial works.

7.02 Consequently, and for the reasons given above, the Inspector considered the appeal should be DISMISSED.

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