

FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JULY 2015**

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

SUBJECT: **APPEAL BY MR. W. THOMAS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE OF THE SUNDAWN GARDEN CENTRE TO A PLANT HIRE DEPOT, INCLUDING THE DEMOLITION OF THE EXISTING GARDEN CENTRE BUILDINGS, THE ERECTION OF A WORKSHOP BUILDING AND THE CONVERSION OF THE TEA POT CAFÉ FOR USE AS ANCILLARY OFFICE ACCOMMODATION AT TEA POT CAFÉ & SUNDAWN GARDEN CENTRE, LLWYBR HIR, CAERWYS – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 052645

2.00 APPLICANT

2.01 Mr. W. Thomas

3.00 SITE

3.01 Tea Pot Cafe & Sundawn Garden Centre,
Llwybr Hir, Caerwys

4.00 APPLICATION VALID DATE

4.01 12th September 2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal following the refusal of planning permission under delegated powers for the change of use of a garden centre to a to a plant hire depot and the use of the café for ancillary offices at Sundawn Garden Centre and tea Pot Café, Caeryws. The appeal was determined under the written representations procedure. The appeal was ALLOWED. No application for costs was made by either party.

6.00 REPORT

- 6.01 The Inspector considered that the main issue in this case was the impact of the development on the character and appearance of the surrounding countryside.
- 6.02 The Inspector found that the proposed building, which he described has the appearance of an agricultural building, would, in time, be well screened through the proposed landscaping. This, coupled with the removal of the 'unsightly' green houses and garden centre paraphernalia would overall provide a development that harmonises with the rural character and appearance of the area.
- 6.03 In respect of the proposed use, he found that although the proposal did not fall within the list of development permitted under policy GEN3, the purpose of the policy is to protect the countryside from unsustainable development. Given that the land is previously developed land, he did not find that the development was significantly unsustainable and therefore it is not contrary to policy GEN3.
- 6.04 Notwithstanding the suggested condition regarding a Traffic Management Plan to ensure that large commercial vehicles would not use the narrow rural roads linking the site to the A55 Caerwys junction, the inspector considered that this was not necessary.

7.00 CONCLUSION

- 7.01 In conclusion, the Inspector found that the proposal would not have an adverse impact on the character and appearance of the open countryside setting and subsequently ALLOWED the appeal subject to conditions controlling the hours of operation, a wheel washing facility and a landscaping condition.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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