

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **9<sup>TH</sup> SEPTEMBER 2015**

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

**SUBJECT:** **APPEAL BY MR. & MRS M. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR REPLACEMENT OF EXISTING BUILDINGS WITH 1 NO. ECO DWELLING AT MARSH FARM, CHESTER ROAD, OAKENHOLT – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 052504

**2.00 APPLICANT**

2.01 MR. & MRS M. JONES

**3.00 SITE**

3.01 MARSH FARM,  
CHESTER ROAD, OAKENHOLT.

**4.00 APPLICATION VALID DATE**

4.01 **05.08.2014**

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspectors decision in respect of the refusal to grant planning permission for replacement of existing buildings with an eco dwelling and landscaping at Marsh Farm , Chester Road, Oakenholt , Flint . The application was refused at Planning Committee and the appeal was dealt with by way of written representations and was DISMISSED.

## **6.00 REPORT**

### **6.01 Introduction**

This appeal considered the replacement of existing buildings with an eco-dwelling at Marsh Farm, Chester Road, Oakenholt, Flint outside the settlement boundary of Flint in the open countryside.

### **6.02 Main Issue**

The Inspector considered the main issue in this appeal to be whether there were material considerations sufficient to outweigh any conflict with local and national planning policies, which seek to strictly control new development in the open countryside, outside settlement boundaries.

### **6.03 Policy**

The Inspector noted that the appeal site lies outside the settlement boundary of Flint. Policy HSG4 states that new dwellings outside settlement boundaries will only be permitted where it is essential to house a farm/forestry worker who must live at or very close to their place of work not in a nearby settlement. There is no evidence that the proposal was required for this purpose and as such it conflicts with Policies HSG4 and GEN3 of the Flintshire Unitary Development Plan. Neither was there any evidence forwarded to support a broader category of rural enterprise worker referred to in Planning Policy Wales (PPW), in which new development away from settlement boundaries should be strictly controlled.

The Inspector noted that PPW specifically precludes buildings currently in use for agricultural / forestry purposes from the definition of previously developed land and that PPW recognises that not all previously developed land is suitable for development.

### **6.04 Infill**

In the Inspector's opinion the site does not constitute an infill development, as the existing development at Marsh Farm stands by itself and is not in group.

### **6.05 Housing Land Supply**

Whilst it was noted by the Inspector that Flintshire does not have a 5 year land supply as required by Planning Policy Wales, and whilst this is an important material consideration, it in his opinion does not justify setting aside the Unitary Development Plans spatial distribution of growth to provide a single dwelling that would only make a minimal contribution to meeting the shortfall. The Inspector noted the 2013 Joint Housing Land Availability Study in which it noted that developments will be assessed on their individual merits and will not be approved merely because they would make increase housing land supply.

6.06 Eco Dwelling

The Inspector noted the proposed creation of an innovative and carbon neutral dwelling, but considered these merits to fall short to outweigh the identified conflict of the development with local and national planning policies.

6.07 National Development Framework

The Inspector noted reference to the NDF for Wales but considered that it could only be considered as conjecture and could be given very little weight in the consideration of the appeal.

6.08 Annex Accommodation

The Inspector considered that the development could not be considered as “annex accommodation “ as the development was clearly intended to be an independent dwelling and the 4 bedroom detached dwelling proposed would not be subsidiary to the existing dwelling in terms of design and scale.

**7.00 CONCLUSION**

7.01 The Inspector concluded that the development for the reasons cited above conflicts with local and national planning policies, HSG4, GEN3 and PPW and concluded that the appeal be DISMISSED.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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