

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **23 MARCH 2016**

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

**SUBJECT:** **APPEAL BY MR A BAXTER UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT AGAINST THE REFUSAL OF PLANNING PERMISSION FOR CHANGE OF USE OF OFFICE TO DWELLING AT GLASMOR BACH, PEN Y CEFN ROAD, CAERWYS**

**1.00 APPLICATION NUMBER**

1.01 053884

**2.00 APPLICANT**

2.01 Mr A. Baxter

**3.00 SITE**

3.01 Glasmor Bach, Pen y Cefn Road, Caerwys

**4.00 APPLICATION VALID DATE**

4.01 17.06.15

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspectors decision in respect of the refusal to grant planning permission for change of use from office to a dwelling at Glasmor Bach, Pen y Cefn Road, Caerwys .The application was refused under officer delegated powers and the appeal determined by way of a written representations appeal which was DISMISSED.

## **6.00 REPORT**

### **6.01 Introduction**

The appeal considered the change of use of an existing office building to a dwelling at Glasmor Bach, Pen y Cefn Road, Caerwys. The site is located within the open countryside, outside any recognised Settlement Boundary.

### **6.02 Main Issues**

The Inspector considered the main issues in this appeal to be the change of use would have on the Policies of the Unitary Development Plan, that impose strict control over development in the countryside (in order to protect the character and appearance of the surrounding area) and the effect of the proposed development on the living conditions of neighbouring and future occupants.

6.03 The Inspector noted that the site lies outside any settlement boundary, in the open countryside, whilst Policy HSG7 does allow specific development exemptions, this application does not meet the criteria stipulated under this Policy. The development would not ensure that the development or its future occupants would qualify for affordable housing and if allowed that the dwelling would remain as an affordable unit in the long term. In the Inspector's opinion it does not represent affordable housing for local need or that it would accord with the guidance set out in Technical Advice Note No2 (TAN 2) Planning and Affordable Housing.

6.04 The Inspector noted that the primary use of the building and its associated curtilage would be residential and would not be consistent with policy that gives preference to the conversion of rural buildings to employment related rather than residential uses, as she did not consider that the proposal would represent a rural enterprise dwelling.

6.05 In the consideration of this appeal the Inspector did not consider that the proposal was compliant with Policy HSG7, in that the existing building is not of traditional agricultural or rural character or has intrinsic architectural value. She did not consider its reuse for residential purposes in order to protect its historic or architectural merit would be desirable on these grounds.

6.06 In the assessment the Inspector considered the living conditions of the occupants and surrounding properties, but did not consider that its use as a dwelling would have any greater overbearing, overshadowing or overlooking impact, than the existing office use and would be sufficient for purposes such as siting out, hanging washing or storage in connection with the residential use.

6.07 Other Matters

The Inspector considered the Council's lack of 5 year housing land supply and TAN1 Joint Housing Land Availability Studies, whilst it was noted that the proposal would make a modest contribution to housing delivery, she did not find that such a contribution would outweigh the harm to the character and appearance of the area that a change of use to residential would have.

7.00 **CONCLUSION**

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

**LIST OF BACKGROUND DOCUMENTS**

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

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