

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 25 MAY 2016**

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

SUBJECT: **GENERAL MATTERS - PROPOSED REDEVELOPMENT FOR THE ERECTION OF 12 NO. DWELLINGS INCLUDING DEMOLITION OF EXISTING OUTBUILDINGS AND CREATION OF NEW ACCESS AT BANK FARM, LOWER MOUNTAIN ROAD, PENYFFORDD.**

1.00 APPLICATION NUMBER

1.01 052377

2.00 APPLICANT

2.01 Mr T Holt of Holts Conservatories

3.00 SITE

3.01 Bank Farm, Lower Mountain Road, Penyffordd

4.00 APPLICATION VALID DATE

4.01 08.07.14

5.00 PURPOSE OF REPORT

5.01 To inform Members of the First Minister's decision in relation to the called-in decision of the Planning and Development Control Committee of 17 December 2014, when it was resolved to grant outline planning permission for 12 dwellings subject to conditions and a Section 106 obligation. The application was called in for decision by the First Minister on 12 March 2015, as the application raised planning issues which may be in conflict with national planning policies in respect of development in the countryside and which appeared to raise issues of more than local importance. An informal hearing took place on 7 October 2015. In her report, dated 24 November 2015, the Planning Inspector recommended that planning permission be granted. However, in his letter of 14 March 2016, the First Minister disagreed with the Inspector's recommendation and concluded that planning permission should be refused.

6.00 REPORT

6.01 The hearing considered the proposal for the erection of 12 dwellings, the demolition of existing outbuildings and creation of a new access at the Bank Farm site. The lawful use of the site was agreed as light industrial, given that planning permission for that use had been granted in 2011, the pre-commencement conditions had been discharged in 2014 and the permission subsequently implemented.

6.02 The main issues in relation to the planning application were the effect of the development on the open countryside, including whether there would be conflict with the countryside policies of the development plan and whether the development could be considered sustainable. Other matters for consideration were the site's status as previously developed land; access to public transport; proximity to the settlement and changes since the previous call-in decision.

Effect on the Open Countryside

6.03 The Inspector concluded that the site "despite being overgrown in nature" was "identifiable as a farm holding. As such the site makes a positive contribution to the surrounding countryside". The First Minister agreed that the site maintained its agricultural character and is visually in keeping with its countryside location.

6.04 The Inspector stated "the rundown state of the site, however, has a negative impact on the surrounding countryside and that a low density housing development, whilst resulting in the loss of farm buildings, would help conserve the positive character of the site". In contrast, the First Minister considered that the application was in outline and other legislation was in place to deal with the matter of untidy land. Whilst the reduction in crime and security problems would result from the scheme, the First Minister gave little weight to this in his assessment of the proposal.

Development Plan Policy

6.05 The First Minister agreed with the Inspector's findings that Flintshire was not able to demonstrate a five year housing supply and accepted that weight should be given to that matter. However, as advised, in paragraph 6.2 of TAN1, this factor only holds considerable weight where the proposal would otherwise comply with the development plan and national planning policies.

6.06 The Inspector concluded that the site was outside a defined settlement boundary and was therefore contrary to policy HSG4 of the UDP. The Inspector also considered that the site was within open

countryside. The First Minister agreed with both these conclusions. Where the two parties disagreed was, that whilst the Inspector noted that the site was within 550m of the nearest residential area, within a mile of the village, had a bus service and footpath to the village to be provided, its location could be considered sustainable, the First Minister disagreed. He referenced PPW para 4.7.8 which states development in the countryside should be located within and adjoining those settlements where it can be best accommodated. On this matter, he concluded that the development was contrary to local and national planning policies.

Previously Developed Land

- 6.07 As noted above, both the Inspector and First Minister accepted that the status of the site had changed since the previously called-in application (which was refused) in 2005. Both agreed that the site was now defined as previously developed land (PDL). PPW promotes the use of PDL over greenfield sites and the Inspector gave this objective great weight in her assessment. The First Minister accepted the PDL definition, but did not accept that the site was suitable for residential development due to its location in open countryside and its distance from the village centre. In his view, the proposal was “not suitable for residential development as it would result in a fragmented development pattern with a poor relationship to the existing settlement”.
- 6.08 The Inspector and First Minister agreed that with bus stops within a “minute or two’s walk of the site”, services were frequent enough to offer an alternative to car journeys for work and shopping.

Proximity to the Settlement

- 6.09 On this point, again, the Inspector and First Minister disagreed. The former concluded that subject to the new footway link, the application site is sufficiently well-connected to the village to be considered to adjoin it, consistent with the principles of PPW, although accepting the walking distance to the village is further than what is generally considered reasonable. The First Minister concluded that he did not consider that, even with the new footpath link provided, the application site was sufficiently well connected to be consistent with the principles of PPW.

Changes Since the Previous Call-in Decision

- 6.10 When compared to the previously refused call-in decision, the Inspector said there had been significant changes in circumstances that should be attributed weight in her assessment. These included the change in the planning status of the land, the improved accessibility of the site; the lower density of the development and the lack of a five year housing supply.

- 6.11 In contrast, the First Minister gave these changes in circumstances much less weight in his assessment as he considered that the site's location, in open countryside and not adjacent to a settlement, meant that it was contrary to national and local policies.

Conclusion

- 6.12 In essence the Inspector and First Minister took different stances on whether the location of the proposed development constituted development that was acceptable in open countryside. The Inspector considered that the site, given its change in status as PDL, with bus stops nearby and a footway to be provided, was now sustainable. The First Minister reached a different conclusion. That two bodies, the Inspectorate and Welsh Government, formed different views suggests that the decision was finely balanced. Ultimately, having gone through the balancing assessment a different conclusion was reached by the First Minister, who attributed different weight to different factors, which he is entitled to do as a matter of planning judgment. He has not acted unreasonably, nor erred in law, so there was little prospect of a successful challenge his decision.

7.00 RECOMMENDATIONS

- 7.01 That the recommendation of the Planning Inspector and decision of the First Minister be noted.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

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