

FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH MAY 2016**

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

SUBJECT: **APPEAL BY MR. A. EVANS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE AMENDED APPLICATION FOR THE ERECTION OF AN AGRICULTURAL STORAGE BUILDING (PART RETROSPECTIVE) AT FRON HAUL, BRYNSANNAN, BRYNFORD – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 053690

2.00 APPLICANT

2.01 MR A. EVANS

3.00 SITE

3.01 FRON HAUL,
BRYNSANNAN,
BRYNFORD, HOLYWELL

4.00 APPLICATION VALID DATE

4.01 08 MAY 2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in respect of the refusal to grant planning permission for an agricultural storage building at Fron Haul, Brynsannan, Brynford. The application was refused at Planning Committee and the appeal was dealt with by way of written representations and was allowed, subject to conditions.

6.00 REPORT

6.01 Introduction

The appeal considered the erection of an agricultural store building at Fron Haul, Brynsannan, Brynford.

6.02 Main Issue

The appeal was a joint appeal incorporating both the planning and enforcement aspects of the site. The inspector noted that much of the works to the agricultural building had been constructed and the appeal sought in part a retrospective permission under section 73A of the 1990 Act. He considered the main issue in relation to both appeals to be the effect of the development on the character and appearance of the area.

6.03 The Inspector noted that the materials now proposed would overcome the previous Inspectors concerns with regards to the “harsh, functional nature of the steel framed building” and would avoid the utilitarian appearance of the shed. It was now considered that the materials would now lead the shed to harmonise with the adjacent stable block, and whilst being slightly taller and deeper than the stable block would not be harmful to the character and appearance of its surroundings.

6.04 The previous Inspector considered the two buildings and hard standing taken together to be visually obtrusive. It has subsequently been established that the stable block is immune from enforcement action and thus forms part of the visual context against which to assess the appeal scheme.

6.05 The Inspector considered that the modifications to the previously dismissed scheme would result in a building that would have an acceptable effect on the character and appearance of its surroundings having regard to policies GEN1, GEN3 and RE2 of the Unitary Development Plan.

6.06 The Inspector noted whilst an objector questioned the need for the building, the stated use in association with low key agricultural and equestrian activities on the site and the adjacent land, appear to the Inspector to be reasonable, having regard to the provisions of the Unitary Development Plan, Policy RE2.

6.07 In response to the Community Council’s concerns regarding potential commercial activity within the building, the Inspector considered that a condition to limit the use to that which is stated by the appellant in support of the appeal is reasonable.

6.08 Having noted Natural Resources Wales suggestion of the imposition of a condition with regards to an Amphibian Reasonable Avoidance Measures Strategy prior to commencement no justification for such a requirement has been provided. Given the extent of the works that

has already been undertaken the Inspector considered that such a condition is not necessary, he also considered that the re surfacing of the stone finished hard standing area was not necessary, as it was not considered to be so conspicuous as to justify replacement with grass and paving. The Inspector did not consider it necessary for other conditions, other than the standard one for compliance with the approved plans, which identifies the external materials and the use of the building restricted to that referred to in the application.

7.00 CONCLUSION

- 7.01 The Inspector concluded that the development for the reasons cited above would not be in conflict with the above Unitary Development Plan policies and having regard to all matters raised considered that the appeal should be allowed, and the enforcement notice, subject to correction, should be upheld.

LIST OF BACKGROUND DOCUMENTS

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

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