

FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH MAY 2016**

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

SUBJECT: **APPEAL BY MR. T. CLARKE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF INDUSTRIAL UNITS AT PISTYLL FARM, NERCWYS – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 053238

2.00 APPLICANT

2.01 MR. T. CLARKE

3.00 SITE

3.01 PISTYLL FARM,
NERCWYS.

4.00 APPLICATION VALID DATE

4.01 11.03.15

5.00 PURPOSE OF REPORT

5.01 To inform Members of the decision in respect of an appeal against refusal of planning permission for the erection of industrial units at Pistyll Farm, Nercwys. This was a delegated decision and refused on the grounds of;

1. The proposed development is for new build industrial development in an open countryside location. It is not essential that the proposed development has an open countryside location and the development does not meet the criteria in Policy EM5 in relation to the expansion of existing concerns. The development is therefore contrary to Policies GEN3, STR1, STR4, EM3, EM5 and RE4 of the Flintshire Unitary Development Plan.

2. The proposed development is of an unacceptable layout and design in an open countryside location and would have a detrimental impact on the setting of a Listed Building and is therefore contrary to Policies GEN1, GEN3, L1, D1, D2, STR8 and HE2 Flintshire Unitary Development Plan.

3. The proposed development is likely to result in an increase in the volume of traffic entering and leaving the highway network through an access which does not provide adequate visibility from and of emerging vehicles to the detriment of highway safety contrary to Policy AC13 of the Flintshire Unitary Development Plan.

The appeal was dealt with by the written representations process.

6.00 REPORT

6.01 The Inspector considered that the main issues in this case were:

- whether the proposed development is appropriate in the open countryside in respect of its use and visual appearance;
- whether the proposed development would preserve the setting of the listed building with regard particularly to its siting and design; and
- the effect of the proposed development on highway safety.

6.02 The Inspector notes that Pistyll Farm is in a rural setting surrounded by fields and approached along narrow, twisting lanes. The farmhouse itself is used for a Bed and Breakfast business whilst the surrounding, contemporary buildings are mainly converted to offices. Behind the main complex of buildings there is a large hard-surfaced yard. Set to one side of this is a plain, modern, single storey building; previously in agricultural use it has been converted into small workshops. The appeal site comprises two parcels of land within and at the edge of the yard where it is proposed to erect two blocks of three industrial units.

6.03 The Inspector recalls that the definition of previously developed land, also known as brownfield land, is set out in Planning Policy Wales (PPW)¹. It is land which is or was occupied by a permanent structure (excluding agricultural buildings) and associated fixed surface infrastructure. The curtilage of the development, that is the area of land attached to it, is included and thus defined as previously developed. A note adds, however, that this does not mean that the whole area of the curtilage should be redeveloped. Land and buildings currently in use for agricultural purposes are excluded from the definition.

6.04 The Inspector notes that as well as containing the existing range of workshops, the rear yard, all of which is within the Pistyll Farm curtilage, is used as a parking area for them and for the offices. Whilst

she appreciated that the change to employment uses has taken place over many years and incrementally, there does not appear to be any agricultural use remaining on the site. To my mind, therefore, the land, including the appeal site, falls within the definition of previously developed.

- 6.05 The end date of the Flintshire Unitary Development Plan (UDP), adopted in 2011, was 2015 but it remains the development plan for the County. The most relevant policy for the development proposed here is UDP Policy EM4 which deals with the location of employment development other than on allocated sites, in Development Zones or in Principal Employment Areas. Where such development is proposed outside of a settlement boundary, as in this case, it will be permitted on suitable brownfield land. As explained above the appeal site can be defined as previously developed; by reason of the existing employment uses in this location it is also considered it to be suitable for the proposed development.
- 6.06 The scale and design of the proposed units would be very similar to those of the existing units and thus in keeping with the immediate surroundings. The commercial use proposed would be appropriate to its location on an existing employment site and there would be no detriment to other interests. There would be satisfactory parking, servicing and turning space with adequate access to the highway network; this latter point is referred to in more detail below. As discussed at the hearing a condition could ensure that there was no outside storage. Having passed the brownfield test the proposed development would also meet the series of four criteria thus complying fully with UDP Policy EM4.
- 6.07 She notes the restriction on new building in the open countryside is to protect it from unsustainable development. The proposal here would make more use of a brownfield site in a location where there are existing employment uses; it would thus contribute towards that objective.
- 6.08 *Setting of the listed building*
The farmhouse is Grade II listed. The listing entry describes it as an early nineteenth century farmhouse incorporating earlier fabric and as interesting with charming vernacular Gothic features. A commonly accepted definition for the setting of an historic asset is the surroundings in which it is experienced. To the front of the listed building is a courtyard from which its most notable features can be appreciated and where, with contemporary buildings on three sides and a pond, some of the original farm character is retained.
- 6.09 The rear yard, which includes the existing row of workshops, appears to be more recent and is much less attractive than the courtyard in front of the farmhouse. The listed building is end-on to the rear yard with only the gable wall, and from some positions oblique views of the

rear elevation, being visible. Some of the converted farm buildings are clearly apparent from the rear yard, however, the listed farmhouse is seen as the dominant building in this group. The whole provides a pleasing and interesting backdrop to the rear yard. In addition the rear yard has a functional connection to the former farm. For those reasons the Inspector considered that the rear yard including the appeal site are part of the setting of the listed farmhouse.

6.10 The proposed development would be modest in both scale and design. Although newly built it would match the existing units and, tucked away at the furthest end of the yard from the nineteenth century buildings, would be unobtrusive and inconspicuous. Although plain and functional the proposed units would not be unsightly. Moreover, the separation distance and siting would be such as to ensure that they would rarely be seen in conjunction with the listed building. The proposed development would not, therefore, have an adverse effect on the listed building's special character and appearance or on its setting. It would thus be consistent with UDP Policy HE2 and the setting of the listed farmhouse would be preserved.

6.11 *Highway safety*

Visibility at the access point is poor, particularly to the left hand side, for vehicles emerging on to the highway; this was the substance of the third of the Council's reasons for refusing the application. The appellant has since commissioned traffic counts which reveal that the 85th percentile speed of traffic in both directions is just below 45mph. This has enabled a more specific calculation of the stopping sight distances for such speeds and thus the visibility splays needed at the access point. To provide these a comparatively small part of the hedgerow would need to be removed to the north of the access point. To the south the required visibility could be achieved through replacing an approximately 45m length of hedgerow further back from its existing line and re-grading the bank it sits upon. It would be possible to provide the required splays on land in the control of either the appellant or the Highway Authority. Safe vehicular access could therefore be provided by the developer both to and from the main highway network in line with UDP Policy AC13.

6.12 Hedgerows and banks are attractive and distinctive features in the surrounding landscape. The proposed alteration would retain the hedge and bank along the lane, albeit in a slightly different position, and widen the grass verge. She did not consider that these changes would be significantly apparent or that they would result in any harm to the character or appearance of the open countryside in this area.

7.00 CONCLUSION

- 7.01 The appeal is ALLOWED and planning permission is granted for industrial units at Pistyll Farm, School Lane, Nercwys. Conditions were imposed in respect of landscaping; prohibiting open storage and the provision of visibility splays. No application for costs was made.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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