

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH MARCH 2019**

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

SUBJECT: **FULL APPLICATION – RETROSPECTIVE APPLICATION SITE RE-GRADING TO CREATE A LEVEL PADDOCK FIELD FOR HORSES AND SITING OF A STABLE BLOCK, NEW NATIVE HEDGE PLANTING AND FENCING TO BE USED FOR BOUNDARY TREATMENTS AND SITE SECURITY AT ASHWOOD HOUSE, CHURCH LANE, ASTON HILL, EWLOE.**

APPLICATION NUMBER: **059029**

SITE: **LAND AT THE END OF CHURCH LANE, ASTON HILL, EWLOE**

APPLICATION VALID DATE: **4TH DECEMBER 2018**

LOCAL MEMBERS: **COUNCILLOR MRS H. BROWN**
COUNCILLOR G. HARDCASTLE

APPLICANT: **MR. JAMES DORAN**

TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBERS REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 The application is retrospective for the site re-grading to create a level paddock field for horses and the siting of a stable block, new native hedge planting and fencing to be used for boundary treatments and site security at land adjoining Ashwood House, Church Lane, Ewloe.

The main issues to be considered within the determination of this

1.02 application are the effects upon the character and appearance of the landscape, the highway implications, the effects upon the Public Right of Way and the effects upon the amenity of the adjoining residents.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

- 2.01
1. In accord with approved details
 2. Stable building to be for private and domestic purposes only with no trade or business taking place from it or outside.
 3. Burning of waste associated with the keeping of horses prohibited on site at any time
 4. Landscaping scheme to be further submitted and approved in writing within 1 month of the date of this permission
 5. Implementation of above landscaping scheme
 6. Fencing details to be further submitted and approved in writing within 1 month of the date of this permission

3.00 CONSULTATIONS

3.01 Local Member:

Councillor Mrs H Brown

Object on the grounds of natural habitat loss, the levelling and digging out of the site is concern for flooding of the site. Queries over why security fencing is required. Also concerns over the increase in traffic on the unadopted lane.

Requests committee determination and site visit due to the above.

Councillor Mr G Hardcastle

Objections as above.

Hawarden Community Council:

Objects to the application as the land is unsuitable for grazing and possibly landlocked.

Head of Highways DC:

No Objections. Church lane is not adopted, however it does carry the status of a Public Right of Way

Environment Directorate

(Public Rights of Way)

Public Footpath 25 abuts the site but appears unaffected by the development. The path must be protected and free from interference during the course of construction.

Head of Public Protection:

No adverse comments to make regarding the proposal.

Natural Resources Wales:

Having reviewed the application do not consider that the proposed development affects matters listed on our Consultation Topics. Therefore do not have any comment to make on the proposed development.

Clwyd Powys Archaeological Trust:

Confirms that there are no archaeological implications for the proposed development at this location.

4.00 PUBLICITY

Site Notice and Neighbour Notification

4.01 18 objections received. The grounds of objection are summarised as follows;

Retrospective application – works already taken place.

Concerns over why security fencing would be required – detract from the character of the area.

Increase in traffic on the land and large vehicles/ horse boxes.

Concerns over drainage on the site flood risk, water draining on to footpath - fence obstructing footpath.

The excavation to the west poses a land slide risk.

Boundary issues due to levelling.

Hours of use – to care for the horses, increase in traffic and noise.

Impact on character and appearance of the local area - security fencing.

5.00 SITE HISTORY

5.01 **057618**

Erection of a stable block and tack room – granted 24.11.2017

058130

Non material amendment to planning permission ref 057618 –
Granted 13.03.2018

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR11 – Sport Leisure and Recreation

GEN 1 – General Requirements for Development

GEN 3 – Development in the Open Countryside

D1 – Design Quality, Location and Layout

D2 – Design

D3 – Landscaping

AC2 Pedestrian Provision and Public Rights of Way

L1 – Landscape Character

EWP13 – Nuisance

National Planning Policy

Planning Policy Wales (Edition 10) 2018
Technical Advice Note (TAN) 12: Design (2016)
Technical Advice Note (TAN) 18: Transport (2007)

7.00 PLANNING APPRAISAL

7.01 Site Description and Proposals

The site comprises of both the existing paddock, stable building and tack room and hardstanding located immediately adjacent to the 2 storey detached dwelling of Ashwood House, which in turn is situated upon the eastern end of Church Lane, Aston on its southern side.

7.02 The application seeks retrospective approval for the levelling of the paddock and the erection of a stable building upon it.

7.03 The levelling of the paddock was created to improve the welfare of the horses. Drainage issues caused the ground across the site to hold water, resulting in a boggy habitat. Levelling the site by using a cut and fill technique improved the drainage and means the horses have a better quality of life by having a dry and free draining paddock.

7.04 The stable building is located within the south western corner of the site. It measures approximately 10 metres (length) x 3.9 metres (width) x 3.5 meters (Height to ridge) and is constructed within shiplap cladding walls with a black Onduline sheeted roof. This is as approved under 057618.

7.05 Background

Members may be aware that planning permission was granted on 24th November 2017 for the stable block, tack room and hardstanding under delegated powers (057618). Thereafter the paddock has been levelled for the welfare of the horses. Hence this application.

7.06 Issues

The main issues to be considered within the determination of this application are the effects upon the character and appearance of the landscape; the highway implications, including the effects upon the Public Right of Way; and the effects upon the living conditions of the adjoining occupiers.

7.07 Character and appearance

The levelling works that have taken place on the site have involved the reduction of the levels of the land by between 3.2m (at the highest) in relation to the southern boundary; 2.2m (at the lowest) in relation to the western boundary; and the raising of the land by approximately 1 m (highest) along the northern boundary and eastern boundaries. Whilst the grass has been removed, all of the boundary treatments of hedgerows and trees remain.

7.08 It is proposed to construct soil banking between the changes in levels

with a hawthorn hedge to stabilise the banking upon parts of the southern, northern, eastern and western boundaries of the site. Along the northern boundary it is also proposed to erect a form of fencing acceptable in this location. This is an issue I propose to condition.

- 7.09 Whilst the proposals involve some significant levelling work in the context of the site, in the context of the wider area, I do not consider the works to be significant. Members will note that the site is located in close proximity to the A494 trunk road where it passes through Aston where significant land level changes are a feature of the wider landscape. It should also be noted that all of the hedgerows and trees along the boundaries have been retained and will be enhanced, the land will be restored back to pasture and the siting, design and materials of the stable block, tack room and handstanding are that to what was had been previously approved.
- 7.10 Whilst concerns have also been expressed in relation to a perceived loss of natural habitat, the site was previously a paddock, and will remain a paddock, with all of the ecological benefit such a land use brings. The significant ecological issue in relation to this proposal, is that existing features of ecological and natural habitat interest (the trees and hedgerows) are retained by the proposal.
- 7.11 The site has no formal habitat designation and there is no evidence of any protected species or any other species which will be negatively impacted by the proposal. This matter therefore attracts very little weight in the overall planning balance.
- 7.12 Consequently, I do not consider the developments will not have a significant detrimental impact upon the landscape in this location and therefore conclude that the proposals would satisfy the requirements of Policies GEN1, D1, D2, D3 and L1 of the Flintshire Unitary Development Plan in this regard.
- 7.13 Highway and Public Right of Way Implications
Access to the field is via the existing field gate off Church Road. The lane is not adopted but is a Right of Way. Highways Development Control have been consulted on the application and given the nature of the lane and that the stable and paddock are only used for private and domestic purposes only and not for commercial use, no objection has been raised to the development on highway grounds. Public Footpath 25 lies outside of the site but adjacent to it and as such it is not affected by the proposed development.
- 7.14 Accordingly, I consider the proposals would satisfy the requirements of policies GEN1 and AC2 of the Flintshire Unitary Development Plan in this regard.
- 7.15 Living Conditions of Adjoining residents

Given that both the paddock and stable building are used for private and domestic purposes only and not as commercial enterprises; the burning of waste material from the keeping of the horses has been prohibited; and that the developments are well screened from the adjoining property of Ashwood House, it is considered that the proposed development would not have a significant detrimental impact upon the living conditions of the adjoining occupiers in terms of noise, smell or loss of light.

7.16 Accordingly, I consider the proposals would satisfy the requirements of policies GEN1 and EWP13 of the Flintshire Unitary Development Plan in this regard.

7.17 Other Matters

Concerns have been raised regarding the drainage of the site. With regards to drainage the location is not within an area of flood risk and therefore there is no evidence to substantiate that the development would give rise to flooding of this site or neighbouring site. This matter therefore attracts very little weight in the overall planning balance.

7.18 Although the works have commenced prior to the submission of a planning application the Development Management Manual Wales supports the use of retrospective planning applications to regularise breaches of planning control.

8.00 CONCLUSION

8.01 I consider that the proposal is in accordance with the relevant development plan policies, and having considered the objections received, together with all other material matters, I recommend that the application should be approved.

8.02 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

8.03 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

8.05 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended

decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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