

FLINTSHIRE COUNTY COUNCIL

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

DATE: **10TH OCTOBER 2012**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RETROSPECTIVE APPLICATION - CHANGE OF USE FROM AGRICULTURAL LAND TO TOURING CARAVAN AND CAMPING FACILITY WITH ANCILLARY BUILDINGS/STRUCTURES AT "FRON FARM", RHESYCAE ROAD, HENDRE, MOLD**

APPLICATION NUMBER: **049756**

APPLICANT: **MR DYLAN ROBERTS**

SITE: **"FRON FARM", RHESYCAE ROAD, HENDRE, MOLD**

APPLICATION VALID DATE: **29.05.2012**

LOCAL MEMBERS: **COUNCILLOR C. LEGG**

TOWN/COMMUNITY COUNCIL: **HALKYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **Due to the nature of development**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 The proposed development is a full planning application for the retrospective change of use of agricultural land to a touring caravan/camping facility including ancillary building structures. The site measures approximately 5.2 hectares and is set within open countryside off the A541. The main issues for consideration are the principle of development and impact on visual/residential amenities and highway impacts.

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

- 2.01
1. Development to be carried out in accordance with the submitted details as revised.
 2. Submission for approval of landscaping details.
 3. Implementation of landscaping conditions.
 4. Passing bays to be provided within 3 months of the planning permission being granted
 5. Submission for approval of a travel plan
 6. Submission/approval of details indicating route of public footpath
 7. Restriction on all year round occupancy/use
 8. Restriction on caravan storage on the site
 9. Submission/approval of lighting for the site

3.00 CONSULTATIONS

3.01 Local Members:

Councillor C. Legg

Agrees to determination under delegated powers. Heartily endorses the application. Is a much needed facility in the area and is vital to the rural economy. Moreover, it is hidden away from sight and an excellent example of farm diversity.

Adjacent Ward Member Councillor W.O. Thomas

No objection to proposal. Requests the application be determined by Committee due to its nature and there be a site inspection.

Halkyn Community Council

Fully supports the application. The site is an asset to the community in general and in particular to tourism in the area together with the ancillary benefits to local businesses.

Adjacent Cilcain Community Council

Fully supports the application.

Head of Highways and Transportation

No objections subjects to conditions.

Environment Directorate (Rights of Way)

Public footpath 23 crosses the site and must be marked out and must not be disturbed.

Public Protection Officer

No objections.

Campaign for the Protection of rural Wales

No objection and support the proposal to increase the separation distance to 150 metres between the boundary of the property known

as “Penbronwiski” and the area used for camping. Requests in the interests of visual amenity that caravans are removed outside the operating season and no part of the site is used for storage purposes.

SP Powersystems Ltd

Note to applicant highlighting potential for plant/apparatus in the locality the location of which should be identified prior to commencement of development.

Environment Agency Wales

No objection. Note to applicant.

Clwyd-Powys Archaeological Trust

No archaeological implications for this application.

Clwydian Range and Dee Valley AONB Joint Advisory Committee

Acknowledged the site is some distance outside the AONB although visible in distant views from higher ground. The impact on the AONB is minimal. Would suggest supplementary tree planting to further reduce the impact from distant views and that all external lighting be carefully controlled and minimised.

Welsh Water

Advise there are no public sewers in the area but it may be possible to requisition a sewer under the Water Industry Act 1991.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

The proposed development has been advertised by way of a press and site notice and neighbour letters.

There has been some 25 letters/emails objecting to the proposed development which are summarized as follows,

- Does not appear to have consulted with neighbours /community as stated on the planning application forms
- The unauthorized works have been undertaken without any regard to the impact of the development on the local community and appears that personal financial gain is the only consideration
- Will have an adverse effect on residential properties. Will cause considerable noise and congestion particularly at peak holiday times with the access/egress poorly controlled with large numbers of vehicles causing concerns

on narrow single track country lanes with no street lighting with restricted space for pedestrians and horses which use the livery at the site. An traffic accident is imminent.

- Queries impact on the wood to the south of the site which has the rare and protected European Dormouse and through which visitors to the application site walk through and the ecological impacts of planting non- native species as landscaping
- Access /egress to the site should be restricted to Hendre Lane which is a good width and has residential properties between the A541 and Fron road
- The site will increase in size over time
- Size and scale of the unauthorized development is out of keeping with the character of the area area due to noise and congestion and is an intrusion
- Detrimental to locality and adjacent properties due to noise from people , dogs barking, odours and general activity on the site and to security of adjacent property and their amenities
- The proposed amendment to the site boundary would make no difference to the disturbance caused to the adjacent property owner (Penbronwiski)and would be ineffective
- Questions why the enforcement notice has not been actioned
- Site visitors divert off local footpaths to access private land
- Other more suitable lad accessed from Hendre Road should have been used
- Due to its exposed and elevated nature the development would be visually be detrimental from the AONB and the public footpath which crosses the site
- Questions the accuracy of information contained in the submitted Design and Access Statement

There have some 31 letters of support for the proposal which are summarized as follows,

- Welcomes the contribution to facility makes to the local economy

which it sustains and it supports a significant number of local employees

- No issues over the years arising from camping , caravanning and farming at Fron Farm the site is clean, in good order and generally well maintained in appearance
- The proposal makes little or no impact adversely on the environment
- No problems with either noise or the access
- The businesses ability to provide service and welcome through the medium of Welsh and English will be in high demand when the National Eisteddfod comes to Denbigh in 2013
- Believes that a small well run caravan site is necessary to supplement the Fron Farm farming income

In addition there has been a letter of support from Mark Isherwood AM which is summarized as follows,

- Highlights policies in the adopted UDP which promote tourism and farm diversification
- Highlights advice in TAN 13 : Tourism, which highlights the major contribution to the Welsh economy of tourism
- His constituent informs him that three people employed on the site could not be retained if the proposal were declined, that £300000 has been spent in ground work in the last five years and that the consented could not live off the farm alone

There has also been a letter from Sandy Mewies AM which is summarized as follows,

- Details the main objections of her constituent Mrs Shelly Lewis
- Questions the content/ reasoning for the previously served planning enforcement notice served against the current development in the planning application
- Asks that Mrs Lewis's objections are taken into full account, the application decision is not delegated to officers and a site inspection with Councilors is held

5.00 SITE HISTORY

5.01 Enforcement Notice served On 24/4/1989 requiring the discontinuance of the land for the purpose of stationing and/or storage of caravans. The Notice was complied with.

0135/92 -Use of land as touring caravan site for 25 caravans between April and October in any year and winter storage (approved 1st February 1993). This application was granted subject conditions restricting the number of winter storage caravans to no more than twelve caravans. Furthermore, the application was subject to a section 106 agreement between the local planning authority and D.H. Roberts and E.P. Roberts which prohibited the siting or stationing of caravans outside of the application site.

039488 - Erection of an agricultural shed (approved 25th May 2005)

043409 - Demolition of existing flat roof extension and erection of a replacement two storey extension (approved 18th July 2007)

044031 - 20m x 40m horse riding manege with rustic post and rail fencing (approved 6th November 2007)

Enforcement Notice served on 5/3/2012 requiring the cessation of the use of the land for a caravan site and the removal of the caravans, amenity blocks, circulation roads, service connections and hardstandings (with the exception of the area of land covered in the 1993 planning permission); the cessation of the use of the livery services and the removal of the large metal clad shed housing the livery stables; and, the cessation of the use of the manege other than in accordance with condition 3 of the 2007 planning permission. The Notice took effect on 4th April 2012 and the notice was to be fully complied with within 3 months from the date of effect. The Notice was not appealed and has yet to be complied with.

049598 - Application for a lawful development certificate for an existing use as a touring caravan park and caravan storage (under determination)

049648 - Retrospective application for a change of use from agricultural to mixed use with private livery stables including repositioning and extensions to the building (large metal clad shed) (under determination)

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy STR6 – Tourism
Policy GEN1 – General Development Considerations
Policy GEN3 – Development Outside Settlement Boundaries
Policy T6 – Touring Caravan sites
Policy T7 – Camping Sites
Policy TAN13 – Tourism
Planning Policy Wales

7.00 PLANNING APPRAISAL

7.01 Description of Proposed Development

The proposed development is retrospective in nature and would provide for the change of use from agricultural land to a touring caravan and camping facility with ancillary buildings/structures at Fron Farm, Rhesycae Road, Hendre. The proposed development is further

detailed as follows:

- The site extends to approx. 5.1 hectares
- Would accommodate up to 120 touring caravans and 40 camping pitches
- Two service blocks would be provided for showering/toilet facilities together with disposal points
- The applicant has submitted a revised plan indicating a reduced area for the proposed camping pitches

7.02 As detailed at paragraph 5 of this report, the proposed development has been submitted to partly regularise development which does not have the benefit of planning permission and which has been the subject of a recently served enforcement notice.

Principle of Development

7.03 The application site is located in open countryside as defined in the adopted UDP where policies seek to strictly control new development. The site has no national or local landscape designation however it is in close proximity to the Clwydian Range Area of Outstanding Natural Beauty which is located approximately 3km to the south west.

7.04 It is considered the main issue to be assessed in relation to the proposal is the principle of development in this location, compliance with the tourism policies in the adopted UDP and detailed matters relating to impacts on residential amenity, visual amenity and affect on the local highway network.

7.05 Planning Policy Wales sets out objectives for tourism and these seek to encourage sustainable tourism development with additional updated detailed guidance on touring caravan proposals contained in the draft TAN13 on Tourism. Policy STR6 of the adopted UDP provides the strategic context and allows for development which enhances tourism in the county, whilst Policy GEN3 sets out development which may be acceptable in such locations and criterion g includes tourism.

More detailed advice is contained in Policy T6 (Touring Caravan sites). This policy is permissive of new touring caravan sites but only where:

- The proposal would not have a significant adverse impact on the amenity of others
- The scale of the proposal is appropriate to the characteristics of the site and the locality
- The proposal would not have an adverse impact on features or areas of landscape, nature conservation or historic value
- The schemes incorporates substantial integral and structural landscaping

- It is close proximity to and can be easily accessible from the local highway network
- It is used for touring caravan purposes and any touring caravans are removed from the site for periods when not in use
- Any essential service buildings that are needed can be provided within existing buildings or appropriately sited and well designed small new buildings.

7.06 Policy T7 permits tent camping sites provided that the proposal occupies an inconspicuous or well screened site or can be assimilated into the landscape; any essential service buildings can be appropriately provided and there would be no adverse impact upon for example landscape or nature conservation interests.

7.07 In principle the proposed development is considered to accord with national policy advice and the policies in the adopted UDP in regards to tourism development i.e. it is permissible development subject to the impacts detailed later in this report being assessed as acceptable.

Visual Impacts

7.08 The proposed development is located within open countryside and forms part of an overall land holding which includes an existing working farm. The site is located in a gently undulating landscape and benefits from existing landscaped features on/adjacent to the site in the form of trees and hedge boundaries. The site is located approx. 3 Km from the AONB, distant views of which can be seen. I concur with the comments of the AONB JAC in regards to additional landscaping via tree planting on the site to further reduce any potential visual impacts. The two proposed utility blocks are reasonably modest in scale and appropriate for the site and its setting due to the undulating nature of the site. The proposed development is considered on the whole to be relatively well absorbed into the landscape and sufficiently distant from the AONB as to have a minimal visual impact. It is also considered reasonable in the interests of visual amenity to impose conditions restricting storage of caravans on site and occupancy to cease between 15th January and 28th February in any one calendar year. The proposed northern site boundary as revised should be planted with a mixed native species hedge/trees in addition to supplemental tree planting within the site – such details can be subject of a planning condition (in addition to existing landscapings to the boundaries being retained).

7.09 Residential Impacts

Whilst objections to the proposal have been received from a number of properties adjacent to or within the wider locality in regards to noise nuisance, smells/odours and general activity, it is nonetheless significant that the Public Protection Manager has not objected to the proposed development on noise or pollution issues. The applicant has amended the scheme in response to objections received from a

property to the north of the site by reducing the extent of the camping area thereby increasing the distance between the northern boundary of the site and that nearest occupier on the northern boundary. Due to the undulating nature of the site it is considered that the visual impacts of the proposal are minimal when viewed from residential properties in the locality.

7.10 Highway Impacts

Objections have been raised from local residents on grounds such as detriment to highway safety due to the volume of traffic the site already attracts and the inadequacy of the local narrow roads to accommodate cars/caravan traffic and conflict with pedestrians and other road users. Nonetheless the Head of Highways and Transportation is satisfied that subject to an appropriately worded condition relating to the provision of passing bays either within the site or on highway land and the submission of a travel plan for the site would allow for a development which would not be detrimental to highway safety. Due to the retrospective nature of the proposed development these works should be provided within three months of any grant of planning permission.

7.11

A public footpath crosses the north western part of the site and should be marked out and undisturbed by the proposed development. The part of the site the public footpath crosses relates to the proposed camping area and therefore it is not considered it would be unduly detrimental to the right of way; however, the right of way should be marked out with details submitted for approval within 3 months of planning permission being granted.

7.12 Other issues

There has been no objections to the proposed development on drainage grounds. Whilst the issue of the European Doormouse has been referred to in correspondence the reference to its location is removed from the site in woods nearby (however this proximity of the species shall be drawn to the applicants attention should planning permission be granted).

8.00 CONCLUSION

8.01 The proposed development is considered acceptable in principle and detail subject to planning conditions.

In considering this planning application 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.

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