

FLINTSHIRE COUNTY COUNCIL

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

DATE: **7TH NOVEMBER 2012**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY ROADAWAY LIMITED AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE FROM STORAGE TO STORAGE AND DISTRIBUTION OF CARAVANS AND CARS INCLUDING TEMPORARY SITING OF A CARAVAN FOR THE USE AS AN OFFICE AT FORMER COAL YARD, "MIN Y DON", MOSTYN ROAD, LLANERCH-Y-MOR, HOLYWELL, FLINTSHIRE**

1.00 APPLICATION NUMBER

1.01 049337

2.00 APPLICANT

2.01 Roadaway Limited

3.00 SITE

3.01 Former Coal Yard, 'Min y Don', Mostyn Road, Llanerch – y- Mor, Holywell, Flintshire

4.00 APPLICATION VALID DATE

4.01 09.01.2012

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision, following the refusal of planning permission under delegated powers on 28th March 2012 for the change of use from storage to storage and distribution of caravans and cars, including the temporary siting of a caravan for use as an office the at Former Coal Yard, 'Min y Don', Mostyn Road, Llanerch – y- Mor, Holywell. The appeal was considered by way of an informal hearing held on the 17th July 2012 and was ALLOWED.

During the course of the hearing, the appellant submitted an

application for costs, which the Inspector REFUSED.

6.00 REPORT

- 6.01 The Inspector considered the main issue to be the effect of the proposals on the open countryside and in particular, upon the visual appearance of the undeveloped coastline.
- 6.02 The Inspector noted the assertion of the appellant that the extent of the storage operation would be limited to no more than a dozen or so larger vehicles such as touring caravans. She noted that cars would be stored separately to these larger vehicles and concluded the site would have the appearance of a car park or vehicle sales place. She considered that such an arrangement would not be unsightly, especially when compared to the dilapidated and run down appearance of the site at present. She also concluded it would not be uncharacteristic of the area, having regard to other uses in the vicinity.
- 6.03 The Inspector considered the representation made by the Local Planning Authority that the site would be unacceptably visible from a variety of points within the locality and would, due to the deciduous nature of existing screen vegetation, be particularly visible during minter months. She concluded however that views were only significant from an easterly direction and considered that existing vegetation, together with a proposed hedgerow to be planted along the eastern boundary of the site, would be sufficient to ensure that the site did not stand out obtrusively in the area.
- 6.04 Having come to the view that there was not adverse visual impact upon the area, the Inspector then identified that the criteria concerning the appropriateness of the proposals in such a location fell to be considered. She concluded that the use was acceptable in policy terms, represented the best use of a brownfield site, was sustainably located in terms of its relationship to settlements and therefore was consistent with local and national policy in respect of development within open countryside locations.
- 6.05 The Inspector turned then to the issue of 'the undeveloped coast' as defined within Policy L6 of the UDP. She concluded that as the site was brownfield, notwithstanding that the external areas of the site were not in use for the purposes of storage and that such a use had latterly (through conditions upon planning permissions) been expressly prohibited, it did not form part of the undeveloped coast. She considered that as the parking of vehicles was an intermittent occurrence and did not result in built development, the open character of the areas of adjacent open coastline would not be detrimentally affected.
- 6.06 Having taken these issues into account, and having had regard to all

other material considerations, the Inspector concluded that the use, subject to conditions, was acceptable and therefore ALLOWED the appeal.

6.07 **Costs**

The appellant made an application for costs on the basis that the Local Planning Authority had acted unreasonably in not granting planning permission and had failed to provide evidence adequate to support its decision.

6.08 The Inspector noted the Rebuttal of the costs application and concurred with the substance of the rebuttal. She noted that Circular 23/93 advised that costs were only to be applied where the actions of one party had caused the other to incur unnecessary or wasted expense in the appeal process. She considered that the stance adopted by the Council in relation to the application, whilst not ultimately agreeing with it in her determination, represented a detailed and thorough evaluation of the site, proposals and its perceived impact upon the area. She concluded that this amounted to substantial evidence to support the stance adopted.

6.09 The Inspector also noted that the decision represented the exercise of professional judgement and on the basis of this judgement, the view was entitled to be drawn that the proposal was unacceptable. She concluded that the differences between the parties related to a differing interpretation of policy rather than any lack of attention on the part of the Local Planning Authority.

6.10 The Inspector therefore concluded that unreasonable behaviour, as defined within the circular, could not be demonstrated and REFUSED the application for costs.

7.00 **CONCLUSION**

7.01 The Inspector concluded that the proposal was not unacceptable in the terms presented and would not give rise to unacceptable impacts upon landscape and was not therefore contrary to the applicable policies and therefore the appeal was ALLOWED.

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