

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **20<sup>th</sup> MARCH 2013**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **APPEAL BY MR. DELWYN HUMPHRIES AGAINST THE REFUSAL OF PLANNING PERMISSION BY FLINTSHIRE COUNTY COUNCIL FOR OUTLINE – ERECTION OF A DWELLING AT LAND ADJACENT TYDDYN UCHA, SANDY LANE, BAGILLT**

**1.00 APPLICATION NUMBER**

1.01 **049447**

**2.00 APPLICANT**

2.01 **Mr Delwyn Humphries**

**3.00 SITE**

3.01 **Tyddyn Ucha, Sandy Lane, Bagillt CH6 6EY**

**4.00 APPLICATION VALID DATE**

4.01 **21/02/2012**

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal decision against refusal of outline planning permission under delegated powers for the proposed erection of a dwelling. The appeal was considered by way of an exchange of written representations and was DISMISSED.

**6.00 REPORT**

6.01 The Inspector considered the main issue to be the effect of the proposal on policies designed to control the provision of housing and protect the countryside.

6.02 The Inspector notes that the site lies outside the established

settlement boundaries with open countryside and is currently used for a motor repair business.

- 6.03 The Inspector refers to Unitary Development Plan (UDP) Policies HSG4, HSG5 and National guidance in Technical Advice Note (TAN) 6 which only permit new dwellings in the open countryside under certain circumstances and states that none of these apply in this case. The Inspector stated that no case had been made for the need for a dwelling in association with agriculture, forestry or other rural enterprises as contained with TAN 6.
- 6.04 The Inspector refers to a previous appeal on the site, where the appellant's intention was to retire and close the commercial business. In that instance no S106 had been submitted and the Inspector in that instance gave little weight to the closure of the business as no mechanism had been proposed to ensure the business would close if a dwelling was allowed. As noted by the Inspector the submission of a unilateral undertaking under S106 with this appeal does provide such a mechanism.
- 6.05 Nevertheless the Inspector refers to policy STR3 of the UDP seeking the retention of existing employment sites. The Inspector notes that the undertaking is not supported by evidence that the current business is unviable or unnecessary. Moreover, he accepts the Council's contention that there are sufficient sites for housing within nearby settlements and that the existing business is well established and makes a contribution to the local economy.
- 6.06 The Inspector acknowledges that the existing commercial use may intensify and there may be lesser impacts in terms of traffic generation from a dwelling on site. Even so, he considers on balance that there is little evidence that the commercial activity on the site would not continue to make a valuable contribution to the local economy or that there is a specific need that would justify the erection of dwelling, despite the submission of a S106 undertaking.

**7.00 CONCLUSION**

- 7.01 The Inspector concludes that the siting of an additional dwelling within this setting would undermine the area's open rural character by introducing new built development into open countryside. The proposed dwelling would be in a prominent position, visible from surrounding countryside and would be out of character with the countryside of which it is a part. For these reasons the Inspector considers the proposal to be contrary to policies HSG4 and HSG5 of the UDP and the appeal should be dismissed.

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