

FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING & DEVELOPMENT CONTROL COMMITTEE

DATE: WEDNESDAY 17TH APRIL 2013

REPORT BY: HEAD OF PLANNING

SUBJECT: APPEAL BY WEST REGISTER (REALISATIONS) LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE SITING OF STATIC CARAVAN FOR USE AS RESIDENTIAL WARDENS ACCOMMODATION AT "ST. MARYS CARAVAN CAMP", MOSTYN ROAD, GRONANT, PRESTATYN, FLINTSHIRE

1.00 APPLICATION NUMBER

1.01 **049515**

2.00 APPLICANT

2.01 **WEST REGISTER (REALISATIONS) LTD**

3.00 SITE

3.01 **"ST. MARYS CARAVAN CAMP", MOSTYN ROAD, GRONANT, PRESTATYN, FLINTSHIRE**

4.00 APPLICATION VALID DATE

4.01 **19/03/2012**

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision, following refusal of planning permission under powers delegated to the Head of Planning for the siting of a static caravan for use as a residential wardens accommodation at St. Mary's Caravan Camp, Gronant, Flintshire. The appeal was heard by way of an exchange of written representations and was **DISMISSED**.

6.00 REPORT

6.01 The Inspector considered the main issues to be whether the development represented inappropriate development in the Green

Barrier and if so, would there be any other harm to the Green Barrier. He also considered whether the benefits of the development would outweigh any harm to the Green Barrier, therefore justifying the development on that basis. He also had regard to the risks of flooding upon the proposal.

6.02 Green Barrier

The Inspector noted that the site lies within an area designated as Green Barrier (GB) and noted the requirements of both national and local planning guidance to ensure that new development in such locations is appropriate and not harmful to the GB.

6.03 In considering this issue, the Inspector noted the openness of the site and the fact that it is consistent with the character and appearance of the local landscape in this respect. He noted that the site is not open all year around and considered the proposals to site a static caravan for warden accommodation would amount to the introduction of a built form which have a visually detrimental impact upon views from the surrounding countryside, detrimental to its character and consequently considered it would undermine the openness of the GB.

6.04 Exceptional Circumstances

The Inspector was mindful that, notwithstanding the strict application of GB policies, national planning guidance in Technical Advice Note 6 – *Planning for Sustainable Rural Communities* (TAN 6) allows for consideration of new accommodation proposals in such locations where it can be established that there is a clearly established functional need for a full time worker to reside on site to support an established rural enterprise.

6.05 The Inspector considered the appellants arguments in relation to the operational benefits of a warden presence upon the site and the security offered. However, he concluded that these functions were not essential to the operation of the site and considered that this need could be adequately addressed by staff accommodated by other means within the area.

6.06 The Inspector considered the criteria in TAN6 is assessing exceptional circumstances, namely; that the enterprise has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job is currently financially sound, and has a clear prospect of remaining so. He considered there to be little evidence that any functional need that could be established could not be met by other means. He also concluded that the appellants had not provided any real assessment of what accommodation could be provided by a reorganisation or re-development of the existing building.

6.07 He concluded that there was no clear evidence as required by TAN6 He also considered that the absence of evidence to support any

functional need precluded him from granting a temporary permission to test the argument of functionality, since such an argument had not be satisfactorily advanced.

6.08 This, combined with the availability of other accommodation options, led the Inspector to conclude that no exceptional circumstances existed to support a deviation from the strict application of GB policies.

6.09 Flood Risk

The Inspector acknowledged that the site lies within a C1 flood zone and a flood consequences assessment had been assessed by The Environment Agency (Wales) which concluded that the siting of additional accommodation would represent additional vulnerable development and would not meet the criteria, or could be acceptably managed in accordance with guidance, contained within Technical Advice Note 15 – *Development and Flood Risk* (TAN15).

6.10 He agreed with this view whilst having regard to the role a warden could play in flood warning and evacuation measures. He considered this did not outweigh the risks nor did it add further weight to the warden's duties in support of any functional need argument.

6.11 Other Matters

In considering any other material issues, the Inspector noted that the appellant advanced examples of other appeals dealing with warden's accommodation on other sites. He considered that the examples differed in both siting and circumstances to the appeal in this case and therefore he determined the appeal proposals upon its own merits.

7.00 CONCLUSION

7.01 The Inspector concluded that the proposal amounted to a form of development which was contrary to both national guidance and local planning policies. He considered no exceptional circumstances could be demonstrated to outweigh these considerations and therefore the appeal was DISMISSED.

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