

FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH MAY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RETROSPECTIVE APPLICATION TO RETAIN
TIMBER STABLING AND STORAGE, ADDITIONAL
STOREROOM AND HARDSTANDING LAND REAR
OF 25 RHYDDYN HILL, CAERGWRLE**

**APPLICATION
NUMBER:** **051753**

APPLICANT: **MRS MCKAY**

SITE: **LAND REAR OF 25 RHYDDYN HILL, CAERGWRLE,
WREXHAM**

**APPLICATION
VALID DATE:** **4TH FEBRUARY 2014**

LOCAL MEMBERS: **COUNCILLOR T NEWHOUSE**

**TOWN/COMMUNITY
COUNCIL:** **HOPE COMMUNITY COUNCIL**

**REASON FOR
COMMITTEE:** **REQUEST OF CLLR. NEWHOUSE**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full retrospective planning application for the retention of timber stables and storage, additional storeroom and hardstanding. It is considered that the works are acceptable in terms of the principle of development and the impacts of the proposed development on the character of the area and the amenities of nearby residential properties.

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

2.01 The proposal is recommended for approval subject to the following conditions:

1. Time commencement.
2. In accordance with plans.
3. Personal permission.
4. Not for commercial use.
5. There shall be no burning of waste on the site.
6. Any external lighting to be approved

3.00 CONSULTATIONS

3.01 Local Member

Councillor T Newhouse

Requests Committee determination and site visit if the application is to be recommended for approval.

Hope Community Council

Opposed to the retrospective approval of the development. Only the development originally approved should be permitted.

Head of Assets and Transportation

No objection subject to the proposal being only for private use by the Applicant.

Head of Public Protection

No objection subject to a condition prohibiting the burning of waste associated with the keeping of horses on the site.

Natural Resources Wales

No comments received.

British Horse Society

No comments received.

Ramblers Association

No comments received.

4.00 PUBLICITY

4.01 Neighbour Notification

5 letters have been received from local residents objecting to the proposal on the grounds of:

- The application is in retrospect.
- The original planning permission has not be carried out.
- The large hardstanding will result in further future development of the site.

- Detrimental impact on the landscape and open countryside.
- Loss of views.
- Over development of the land.
- Odours and flies cause problems.
- Stables are possibly being used on a commercial basis.

5.00 SITE HISTORY

- 5.01 050499 - Retrospective application for the change of use to equestrian, erection of stables, tackroom, storeroom and midden for private use and laying of a hardstanding for access and parking of trailer (withdrawn 18.04.2013)
- 5.02 049841 - Retrospective application for the change of use to equestrian, erection of stables, tackroom and storeroom for private use and laying of a hardstanding for access and storage of trailer (withdrawn 28.01.2013)
- 5.03 049658 - Retrospective application for an area of hardstandings for vehicular access to stables for delivery of feedstuffs, veterinary and farrier visits, turning and storage (withdrawn 21.05.2012)
- 5.04 048894 - Construction of timber stabling/associated storage (3 Stables) for private use only including change of use to equestrian (permit 09.12.2011)
- 5.05 048418 - Change of use of land to equestrian, construction of a 40 x 20 metre riding arena with surrounding timber fence along with construction of timber stabling and associated storage for private use only (refused 04.05.2011)

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
 GEN 1 - General Requirements for Development
 GEN3 - Development in the Open Countryside
 D1 - Design Quality, Location and Layout
 SR1 - Sports, Recreation or Cultural Facilities

7.00 PLANNING APPRAISAL

7.01 Site Description

The site lies behind the residential properties along Rhyddyn Hill in an open countryside location where no other specific designations apply. The site is accessed from the adjacent Bridleway (which is accessed from Rhyddyn Hill). There is one point of access from this bridleway into the field which is proposed to be retained as part of this proposal, one stable unit had already been erected on site in the position applied for.

- 7.02 The application site falls outside of the settlement boundary for Hope, Caergwrle, Abermorddu and Cefn-y-Bedd, as do all of the properties located on Rhyddyn Hill.
- 7.03 The fact that the site is in open countryside is not significant in itself in terms of the fact that this form of development would normally be outside settlements. In terms of planning policy, this form of development complies with the above quoted policies, subject to consideration being given to any unacceptable impacts on the landscape and neighbouring residential amenity.

The Proposal

- 7.04 The proposal seeks planning permission for the retention of the stable block, store room and large area of hardstanding.
- 7.05 Planning permission has previously been granted for the stable block on a site further to the south of the site (048894). However, this application also includes for the store room and hardstanding.
- 7.06 The hardstanding at present is currently far in excess of what would be deemed acceptable and this aspect has been the subject of lengthy negotiations (resulting in the withdrawn applications referred to in the site history). However, the current proposal seeks to reduce the scale of the hardstanding to an area commensurate with the needs for turning vehicles using the site, i.e. a car and horse trailer and a lorry to deliver feed.
- 7.07 The store room is required for the storage of tack and feed associated with the stabling of the horses on the site.

7.08 Impact on Landscape

The site is an open countryside location with residential properties to the north of the site. Stables are commonly found within the open countryside in locations such as this, with associated hardstanding required to adequately access and serve the site.

- 7.09 The design of the stables and store room are typical for such a setting and whilst there are objections with regard to the siting of the stables being so close to neighbouring properties, this in fact reduces the visual impact it has on the landscape as the development is closer to the built-form, i.e. the residential properties on Rhyddyn Hill.

7.10 Impact on Residential Amenity

Due to the close proximity of the development to residential properties, there is the potential for the development to adversely affect the amenities of the occupants of these properties.

7.11 Given the relatively small scale of the development it is considered that it does not result in a materially adverse impact on the neighbouring residential amenity in terms of noise nuisance, odour or overlooking.

7.12 Objections have been received concerning the loss of outlook/view from the neighbouring residential properties; however, the loss of a view is not a material planning consideration.

7.13 **Other Considerations**

The proposal is only for the private use of the stables by the applicant. Any potential use of the site for a commercial livery will be considered if and when such an occurrence takes place and is not a material consideration in the determination of this application. For the avoidance of doubt, and to prevent the stables being used by anyone other than the applicant, a condition can be imposed restricting the use of the stables to the applicant only.

7.14 Many objections have been received relating to the fact that the application is in retrospect and therefore it should be refused. However; section 73A of the Town and Country Planning Act 1990 (as amended) allows for planning applications to be submitted for development which has already been undertaken and this cannot be a reason for its refusal.

8.00 CONCLUSION

8.01 It is considered that the proposal meets the relevant policies, does not have a material detrimental impact on the open countryside or on the amenities of the occupants of the neighbouring residential properties and is hereby recommended for approval.

8.02 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.

Contact Officer: Alex Walker
Telephone: 01352 703235
Email: alex.walker@flintshire.gov.uk