

FLINTSHIRE COUNTY COUNCIL

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

DATE: **14 MAY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL DECISION FOR GABION WALLS AND CONCRETE POST AND BASE PANEL FENCE WITH WOODEN BOARD AT CWM Y GRAIG, RHEWL, MOSTYN**

1.00 APPLICATION NUMBER

1.01 **050154**

2.00 APPLICANT

2.01 **MR F TAYLOR**

3.00 SITE

3.01 **CWM Y GRAIG, RHEWL , MOSTYN, FLINTSHIRE**

4.00 APPLICATION VALID DATE

4.01 **10 SEPTEMBER 2012**

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to the appeal against the refusal of planning permission for the erection of fence and gabion wall at Cwm-y Graig, Rhewl, Mostyn. The appeal was refused at Committee, contrary to officer recommendation and was considered under the written representations procedure.

6.00 REPORT

6.01 The Inspector considered the main issue in this case was the effect of the development on the stability of the land to the south of the site.

6.02 The appeal relates to the erection of a fence and gabion wall along

the rear boundary. These are at the bottom of and front a steep bank which is outside the appeal site.

- 6.03 The Council 's concerns were with regard to the stability of the bank , the appellant provided additional information prepared by a firm of chartered engineers and architects, they confirmed the gabion wall was not acting as a significant retaining structure and that the embankment behind showed no significant signs of slippage. The Council's structural engineer considered that the gabions would serve the purpose intended and that the ground profile would not impose sufficient loading to overwhelm the gabions, even in the long term. Having regard to all the evidence submitted in relation to the former coal mining element of the site, the Inspector considered that a Coal Mining Risk Assessment was not required. No site specific evidence was provided by the Council to indicate the presence of a shaft which, combined with the excavation and development, has made or is likely to make the bank unstable.
- 6.04 The Inspector concluded in view of the above that the risk of land instability as a result of the development is low, and in any event steps are included to negate any risk and adjacent land users and the general public would not be put at risk, the development thus complies with Policy EWP16 of the adopted Flintshire Unitary Development Plan.
- 6.05 The Inspector noted that a water course runs across the site, this was culverted some years ago, and has not been significantly affected by the development. He advised that he is aware that works at the site including landscaping, are not yet complete and does not consider the unfilled gap to present a significant hazard.
- 6.06 The Inspector noted the boundary dispute, but advised that he was not empowered to adjudicate in such matters, and these matters must be addressed through alternative channels outside the remit of planning.
- 6.07 The Inspector considered that as there was no ambiguity with regards to the plans, that it was unnecessary to condition that the works be carried out in accordance with the submitted plans.

7.00 CONCLUSION

- 7.01 Having regard to all the matters raised, the Inspector concluded that the appeal should be **ALLOWED**.

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