

FLINTSHIRE COUNTY COUNCIL

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

DATE: **23 JULY 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **ERECTION OF STABLE AND AGRICULTURAL STORAGE BUILDING PART IN RETROSPECT AT FRON HAUL, BRYNSANNAN, BRYNFORD, HOLYWELL**

APPLICATION NUMBER: **051810**

APPLICANT: **MR A EVANS**

SITE: **FRON HAUL, BRYNSANNAN, BRYNFORD, HOLYWELL**

APPLICATION VALID DATE: **19 FEB 2014**

LOCAL MEMBERS: **Cllr M.G. WRIGHT**

TOWN/COMMUNITY COUNCIL: **BRYNFORD**

REASON FOR COMMITTEE: **REQUEST FOR REFERRAL OF APPLICATION TO COMMITTEE BY CLLR M.G. WRIGHT**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This application seeks consent for the stables and agricultural storage building (part in retrospect). The main issues to consider are the justification for the buildings / building design, use and appropriateness of the development in the open countryside. It is considered that the proposal is in compliant with policies GEN 1, D2, WB1 and RE2 of the adopted Flintshire Unitary Development Plan.

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

2.01 That conditional planning permission be granted subject to conditions

1. In accordance with approved plans
2. No commercial use of the buildings
3. Amphibian Reasonable Avoidance Measures (RAM's)

3.00 CONSULTATIONS

3.01 Local Member

Councillor M.G. Wright

Requested referral of the application to Planning committee due to his objections with regards to the agricultural storage building.

He considers that this building is unjustified, as the property is a residential property with no grazing rights associated with the paddock, as it is his understanding, that when the paddock area was sold, it was done so with out the common grazing rights.

He also believes that the building is being used for the repair of horse boxes, which is not suitable within a row of residential properties.

Brynford Community Council

The Community Council strongly objects to the development, noting that it is partly retrospective and questions why enforcement action has not been taken.

The Council believes that the scale and location of the development will have a detrimental impact on residential dwellings and has been advised that the building is being used for commercial / business use for the building and refurbishment of trailer boxes which is not in keeping with a residential area.

Rights of Way

There are no affected public footpaths or bridleways in the immediate vicinity, therefore have no observations to make.

Head of Public Protection

Have no adverse comments to make regarding this proposal.

Natural Resources Wales

NRW do not object to the principle of the proposal, providing any consent is subject to a condition in respect of amphibian reasonable avoidance measures (RAM's).

4.00 PUBLICITY

4.01 Neighbour Notification

Objection received on the following grounds;

- Fron Haul is a domestic property set in a residential area
- The application site is not an agricultural unit
- The erection of an agricultural building adjacent to a domestic property is inappropriate
- Previous application for change of use of land to residential refused, if this was refused then surely this proposal should be.
- Design and access statement makes reference to the building being required for the storage of hay grown on site, questions if this could be stored in polythene, eliminating the need for the building.
- Double garage which has consent could be used for the store, rather than the proposed building.
- Location of the proposed building has a detrimental effect on privacy and amenity on the use of neighbours conservatory and garden.
- Building out of character
- Concern over retrospective nature of the development
- Stables have attracted rats and the agricultural building would exacerbate this.

5.00 SITE HISTORY

5.01 **08/044766** - Erection of Replacement Dwelling and Garage - Permit 11 June 2008

050823 - Change of Use to Garden Area Refused 1 July 2013.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 GEN 1 - General Requirements for Development
 D2 - Design
 RE2 - New Agricultural and Forestry Buildings
 WB1 - Species Protection

7.00 PLANNING APPRAISAL

Introduction

7.01 This application is partly in retrospect and concerns the stables and the agricultural building erected on site. The stable block has been built partly within the residential curtilage of the replacement property and partly out side, in an area designated as open countryside. The partly erected agricultural building, which adjoins the stable, lies outside the curtilage of the dwelling on an open paddock area, within the open countryside.

7.02 Site History

Consent was granted for a replacement dwelling in 2008 under

planning ref 044766, with the residential curtilage being determined at this stage to coincide with the rear boundaries of the plots on either side. This planning permission also allowed the erection of a large (8m. x 6m x 4.4m. to ridge.) detached garage within the curtilage of the dwelling and adjacent to its boundary with the Gables, which has not been built. The applicant has indicated that he is prepared to forego this if permission is granted for the agricultural building.

7.03 Stable Block

Horses have been stabled on site since 2007 and the current wooden stable block measures 12.8 m. x 4.85 m. (approximately 61 square metres) in its footprint and 3.4m high to the apex roof. The stable block is constructed of timber with a corrugated sheeted roof and is used for the housing of the applicant's three horses. Part of the stable block is within in the residential curtilage, with a section which projects outside the curtilage. If the whole of the stable had been within the curtilage then it would be permitted development.

7.04 Agricultural Store

The part erected agricultural store measures 11.8 m. x 6.8 m. (approximately 80 square metres) in its footprint and 3.8m in height to its apex. It is proposed that the steel frame will be clad with profiled steel cladding and a profiled steel sheet roof.

7.05 Works on the part erected steel framed agricultural store were started with out the benefit of planning consent, the applicant was subsequently advised by the enforcement section to cease works and submit a retrospective application for the proposal, which is the subject of this application. As part of the stable block was erected on land out side the residential curtilage, the applicants were advised to amend the application to include this building.

7.06 The agricultural store building has been erected on land which forms part of the grassed paddock area, used for grazing in connection with the keeping of the horses for recreational purposes. This land is designated as open countryside, as such the erection of a justified agricultural building, such as this would be considered to be appropriate and compliant with Policies GEN1 and RE2.

Justification

7.07 The applicant has justified the requirement for the agricultural store building in connection with the keeping of the horses, the production of hay (for feed) from the paddock area and the storage of the necessary machinery and feed in connection with this use.

7.08 In addition to the 3 acre paddock area to the rear of the site, the applicant retains further land of approx. 1 acre in Lloc for the same purposes. The applicant also has grazing rights for 15 sheep on the adjacent common. Whereas this right has been questioned by other parties there is no evidence to suggest that this is not the case. .

- 7.09 In addition to the use of the building in connection with the horses it is also proposed to provide for storage of feed for the sheep and to provide emergency lambing facilities and welfare provision for the sheep and horses, as such it is considered that the building is reasonably required and forms a justified development in the open countryside.
- 7.10 Retrospective Nature of Development
Concerns have been raised with regard to the retrospective nature of the development and whilst this is noted, the application has to be considered on its own merits and its compliance with the above adopted Flintshire Unitary Development Plan policies.
- 7.11 Design and Use of the Buildings
Both the stable block and agricultural store are considered to be constructed of appropriate materials for their prescribed uses. The scale of the buildings is also considered appropriate for their proposed uses.
- 7.12 The location of the buildings to the rear of the site limit any visual impact when viewed from the front of the site and the surrounding street scene. The buildings are visible from the rear of the site and objections have been raised on this aspect, in that the buildings are visible from adjoining gardens and from the objector's conservatory. In this respect it should be noted that the approved but unbuilt garage building would be closer to the objector's property.
- 7.13 Buildings such as these are not uncommon or alien in a semi rural setting such as the application site, whilst they may be in view they are separated by approx. 20m from the adjoining properties as such it is considered that the development should not be detrimental to the amenity of surrounding occupants if used for their stated purposes.
- 7.14 Business use
Objections have been received from other parties, including the Local Member and the Community Council that the applicant is operating a commercial business from the premises for the repair/ building of horse trailers/boxes. This has been investigated by enforcement officers and whereas there is some evidence of the sale of a horse box and work on another, the scale of any business involved is not likely to amount to a change of use. The application must be considered on the basis of the agricultural need presented in its support but I do recommend that a condition be imposed to limit the use of both buildings to the stated purpose, stipulating that no commercial use shall be carried out from the site. This is in the interests of residential amenity and will allow a stronger control than exists at present.
- 7.15 Other Matters

Highway officers have considered the application and have raised no objection to the proposal providing that the agricultural building/stables are not to be used in connection with any commercial business, to ensure that there will be no increased use of the existing residential access of the existing site and the land to the rear.

- 7.16 Natural Resources Wales have advised that the site is located 60m. away from Halkyn common and Holywell Grass lands Site of Special Scientific Interest (SSSI) and the Halkyn Mountains Special Area of Conservation where a population of great crested newt and an assemblage of amphibian species comprising of common frog, common toad, palmate newt, common and great crested newt, form a feature of the SSSI. Great crested newts are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Due to proximity of the site to these sites it is possible that Great crested newts or amphibians may cross/use the development site. To ensure that the development has no detrimental impact on the favourable conservation status, NRW request that an Amphibian Reasonable Avoidance Measures Strategy (RAM's) is agreed with the local planning authority prior to commencement of any further development on the site.,This recommendation has been covered in this report by the suggested imposition of such a condition.
- 7.17 Concerns have been raised with regard to rats being evident and the concern that the agricultural building will exacerbate this, however this issue is not a material planning consideration considering that the keeping of horses and livestock is a legitimate use of the land. Environmental Health officers have raised no objection to the proposal in this respect.
- 7.18 The paddock area to the rear of the site was the subject of a previous application for the change of use of this land to residential under application 050823, this was refused, as the extension of the residential use into open countryside represented an unacceptable form of development. In this case the proposed development connected with the keeping of horses and livestock is considered appropriate development in the open countryside, compliant with the above policies.

8.00 CONCLUSION

- 8.01 The proposal is compliant with the above policies. The form, scale, design and use of the buildings are considered appropriate to the stated need and the open countryside location and the application is therefore recommended for approval subject to appropriate conditions
- 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: Barbara Kinnear
Telephone: (01352) 703260
Email: Barbara.Kinnear@flintshire.gov.uk