

FLINTSHIRE COUNTY COUNCIL

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

DATE: **7TH SEPTEMBER 2016**

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

SUBJECT: **APPEAL BY PHB (NW) LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGES TO THE LAYOUT OF 25 NO. TOURING CARAVAN PITCHES (PREVIOUSLY APPROVED UNDER PLANNING PERMISSION REF: 049102) AND TEMPORARY RETENTION OF 2 NO. 'PORTA-CABINS' FOR USE AS A TEMPORARY TOILET/AMENITY BLOCK TO SERVE THE TOURING CARAVAN SITE (RETROSPECTIVE) AT MISTY WATERS CARAVAN PARK, LLOC – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 053731

2.00 APPLICANT

2.01 PHB (NW) Ltd

3.00 SITE

3.01 Misty Waters Caravan Park,
Lloc.

4.00 APPLICATION VALID DATE

4.01 19th May 2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision, following the decision of Members to refuse to grant planning permission at the Planning and Development Control Committee held on 16th December 2015 for changes to the layout of 25No. touring caravan pitches (previously approved under P.P ref: 049102) and temporary retention of 2 No. 'porta-cabins' for use as a

temporary toilet/amenity block to serve the touring caravan site (retrospective) at Misty Waters Caravan park, Lloc, Holywell. The appeal was considered by way of an informal hearing held on the 12th July 2016 and was ALLOWED.

- 5.02 During the course of the hearing, the appellant submitted an application for costs, which the Inspector ALLOWED in favour of the applicant.

6.00 REPORT

- 6.01 The Inspector considered the main issue to be the effect of the proposals upon the character and appearance of the area.

- 6.02 The appeal site lies within an area of open countryside and forms an extension to an existing established caravan site. The application had sought permission to amend the layout of 25No. pitches which already have planning permission and concentrate those into a smaller area within the site itself. The Inspector identified that the position of the majority of the pitches was unchanged and it was an additional pitch on the northwest corner of the site and three additional pitches close to the eastern boundary near to the amenity block which represented the amendments to the previously approved layout.

- 6.03 It was the Council's case that the amended additional pitches would give rise to an increased concentration of pitches in the most exposed area of the site, occasioning an increased detrimental visual impact upon the landscape character and appearance of the area. The Council argued that the Landscape and Visual Impact Assessment (LVIA) which had accompanied the extant scheme application for this site had not been updated and submitted to support the appeal scheme, and therefore the effects of the changes between the two schemes could not be properly established.

- 6.04 In arriving at his decision the Inspector considered that the additional pitch in the northwest corner of the site was well screened and inconspicuously located. Whilst the Inspector noted that the other 3 pitches would be more visible from public viewpoints in the locality, especially during winter months, he took the view that the pitches would be viewed in the context of a caravan site rather than in isolation. He noted that existing hedgerows and trees afforded a degree of screening but concluded that a condition requiring further landscaping would be required.

- 6.05 He did not agree with the Council that an updated LVIA was required. He considered that the appeal scheme represented a minor change to the extant permission and therefore an updated LVIA was not necessary to establish the landscape and visual impacts of the amended layout.

- 6.06 He noted that temporary permission was sought for the porta-cabin toilet/amenity blocks and noted that they were located in a prominent part of the site which, as a consequence of their appearance are visible in longer distant views. He considered the appellants explanation in relation to

difficulties securing the originally approved toilet/amenity building and concluded that a condition requiring the removal of the porta-cabins by 14th February 2017 would mitigate against longer term harm.

6.07 He noted that the extant permission for the site had been granted subject to a legal agreement in respect of the rescinding of an original touring caravan permission upon the neighbouring part of the wider site. A new Unilateral Undertaking (UU) was offered at the hearing which made the same provisions. The Inspector afforded this UU significant weight as being necessary to ensure that the character and appearance of the area was protected.

6.08 In concluding to allow the appeal, the Inspector considered that conditions (in addition to those referenced earlier) would be required to afford control. Most notable amongst these are the requirements for the caravans to be sited only for holiday purposes and for no winter storage of caravans. The permitted season was restricted to 14th February to 14th January in the following year.

6.09 **Costs**

In deciding to make an award for full costs in favour of the Appellant, the Inspector considered that the Local Planning Authority had acted unreasonably in refusing planning permission.

6.10 Whilst he accepted that the appeal scheme results in a different visual and landscape effect compared to that of the extant permission that in itself was not a sufficient reason to justify the refusal of permission. He considered that the Council had failed to provide sufficient evidence to substantiate that view and concluded that there was little in the Council's evidence to explain how the appeal scheme would result in materially different visual and landscape impact sufficient to warrant refusal.

7.00 **CONCLUSION**

7.01 The Inspector concluded that the proposal was not unacceptable in the terms presented and would not give rise to unacceptable impacts upon the character and appearance of the area and was not therefore contrary to the applicable policies and consequently the appeal was ALLOWED.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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