

FLINTSHIRE COUNTY COUNCIL

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

DATE: **7TH SEPTEMBER 2016**

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

SUBJECT: **APPEAL BY MR. MARTIN ROONEY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A PROPOSED NEW VEHICULAR ACCESS TO SERVE PLOT 5 ONLY OF PREVIOUSLY CONSENTED GYPSY SITE AT EWLOE BARN WOOD, MAGAZINE LANE, EWLOE – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 054095

2.00 APPLICANT

2.01 Mr. M. Rooney

3.00 SITE

3.01 Ewloe Barn Wood,
Magazine Lane, Ewloe.

4.00 APPLICATION VALID DATE

4.01 03.08.15

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to the decision of Planning and Development Control Committee on 24th February 2016 to refuse to grant planning permission for a vehicular access to serve plot 5 only at land at Ewloe Barn Wood, Magazine Lane, Ewloe. The decision was contrary to officer recommendation. The appeal was dealt with by way of an exchange of written representations and was ALLOWED.

6.00 REPORT

- 6.01 The Inspector considers the main issues to be the impact of the proposal on the open character of this area of countryside within a Green Barrier in the light of Policies GEN3 and GEN4 of the Flintshire Unitary Development Plan. The Inspector noted the site's history.
- 6.02 The Inspector noted that the site is in the green barrier as defined by Policy GEN4 of the Flintshire Unitary Development Plan. He observed the site's boundary with Magazine Lane comprises a wide verge with trees and hedging and the ditch. He noted that there are gaps in the vegetation and a section has been cleared around the proposed access. He also noted that fencing had been erected in this location with a gap reminding of the proposed access.
- 6.03 The Inspector considered that comments regarding the principle of the use, that it would contribute to the coalescence of settlements and whether it would constitute inappropriate development are not relevant to this proposal for associated works.
- 6.04 The Inspector did not consider that the works proposed as part of this application would unacceptably harm the open character of this area of countryside even within a green barrier context due to the small scale of the works and the mitigation in the form of new planting. He concluded that the proposal would not be in conflict with policy GEN4 or other policies of the Flintshire Unitary Development Plan.
- 6.05 Considerable emphasis was placed by objectors on the importance attached to the existing trees and hedging around the site in the previous appeal decisions. He notes the previous Inspectors comments about the screening of the site but also their remarks about the possibility of additional planting and boundary treatments to aid the existing natural screening. Additional planting to the current appeal site would address these issues.
- 6.06 The Inspector stated that there is no requirement to demonstrate a need for this access. Approval of the current proposal would not set a precedent for future proposals for additional accesses, which could be assessed by the Council on their own merits.

7.00 CONCLUSION

- 7.01 The Inspector carefully considered all matters raised by objectors many of which related to issues addressed under the previous appeals on the site. He concluded that the proposal is not in conflict with the provisions of the Flintshire Unitary Development Plan and that the objections to the proposal have not been sustained. The appeal is therefore **ALLOWED**.
- 7.02 Conditions are imposed in relation to landscaping, culverting of the ditch and the required visibility splay.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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