

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **18<sup>TH</sup> JANUARY 2017**

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

**SUBJECT:** **APPEAL BY MR. J. PEDLEY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE PROPOSED INDIVIDUAL VEHICULAR ACCESS POINTS FOR PLOTS 2, 3 & 4 OF PREVIOUSLY CONSENT GYPSY SITE AT MAGAZINE LANE, EWLOE – ALLOWED.**

**1.00 APPLICATION NUMBER**

1.01 054322

**2.00 APPLICANT**

2.01 Mr. J. Pedley

**3.00 SITE**

3.01 Magazine Lane,  
Ewloe.

**4.00 APPLICATION VALID DATE**

4.01 21.09.15

**5.00 PURPOSE OF REPORT**

5.01 To inform members of the Inspectors decision following the refusal of planning permission for individual vehicle access points for plots 1, 2, 3 and 4 for land off Magazine Lane, Ewloe by Planning and Development Control Committee in May 2016 contrary to officer recommendation. The appeal was dealt with by written representations and was ALLOWED subject to conditions.

**6.00 REPORT**

6.01 Planning History

The Inspector noted that planning permission was granted for 5 gypsy caravan pitches with dayrooms on appeal in 2014. That approval included a single access for the site serving the 5 pitches via an internal access road running close to the boundary with the A55 dual carriageway to the south. The planning permission is subject to conditions related to the landscaping of the site and the provision of a bund and fence along the boundary with the A55. Planning permission has been granted for a separate access for plot 5 (which is the end plot furthest from the entrance) on to Magazine Lane.

6.02 As part of the appeal the appellant has included details and amended plans reducing the width of each access to 3m and the overall shared width to 6.5m. This is a reduction of 2.5m from the 9m shared width originally proposed. As the amendment involves a reduction in the width of the accesses, the Inspector considered that there can be no prejudice to any party and therefore considered the proposal on that basis.

6.03 Issues

The Inspector considered that the main issue was the impact of the proposal on the open character of this area of countryside within a Green Barrier as defined in the Flintshire Unitary Development Plan.

6.04 The site lies in the open countryside to the west of Ewloe within a green barrier as defined under Policy GEN4 of the Flintshire Unitary Development Plan.

6.05 The Inspector noted that policies GEN3 and GEN4 control the type of development allowed in the open countryside and green barrier respectively. The 2014 appeal decision determined that the proposed use was inappropriate development in a green barrier under GEN4, but that very exceptional circumstances existed to justify its approval. Therefore the Inspector considered that comments regarding the principle of the use and whether it would constitute inappropriate development are not relevant to this proposal for associated works.

6.06 In defence of the appeal the Council sought to rely on the explanatory text to GEN3 concerning the removal of permitted development rights for extensions and garages of dwellings approved in green barriers to justify refusal of planning permission for this access. They are clearly not the same thing. Policy HSG14 states that gypsy sites may be approved where criteria are met, one of which is that the site has natural screening or can be screened. Policy GEN1 requires development to harmonise with its surroundings.

6.07 Policy GEN4 also requires that development should not unacceptably harm the open character and appearance of a green barrier. The Council's claim that the proposal would cause such harm was based on the loss of trees and the introduction of two 6.5m wide access with

close-boarded gates. Some trees and hedging have been removed already, as advised in the submitted objections. The gates would match the boundary fencing already erected. Conditions could ensure additional planting to screen the fence. As a result of these factors, the Inspector did not consider that the additional two breaks in the hedge proposed as part of this application would unacceptably harm the open character of this area of countryside within a green barrier.

6.08 The Inspector therefore concluded that the proposal would not be in conflict with Policy GEN4 or the above policies of the Unitary Development Plan.

6.09 The Inspector noted that considerable emphasis was placed by the objectors on the importance attached to the existing trees and hedging around the site in the previous appeal decisions. He noted the 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. Landscaping is addressed by conditions on the planning permission for the overall site. Additional planting is proposed as part of this proposal. The agent is a landscape architect and states that he has been employed to ensure that the overall landscaping of the site after construction will be to a high standard. It is stated that the appellant is committed to enhancing the appearance of the site and the proposed landscaping will address local residents concerns in this regard.

6.10 The Inspector considered that there is no requirement to demonstrate a need for this access. These additional accesses must be assessed on their own merits. The layout plan includes retention of the internal access road. The stated purpose is to provide a secondary access to each plot in case of emergency or use late at night in order to minimise disturbance to other residents. The conditions on the existing planning permission related to the siting of caravans and noise mitigation remain extant and are for the Council to enforce. There was no objection from the highway authority and as no additional traffic is proposed as part of the application, objections on these grounds cannot be sustained.

6.11 The Inspector imposed conditions relating to; the gates opening inwards; details of the landscaping of the site boundary with Magazine Lane; details of the proposed culvert and the retention of visibility splays. The appellant also suggested a condition controlling the width of each approved access by condition. The Inspector agreed that this is necessary and incorporated this provision into condition 3.

## **7.00 CONCLUSION**

7.01 The Inspector carefully considered all the matters raised, some of which relate to issues addressed under the previous appeals on the site. He conclude that the proposal is not in conflict with the

provisions of the Flintshire Unitary Development Plan and he allowed the appeal.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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