

FLINTSHIRE COUNTY COUNCIL

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

DATE: **18TH JANUARY 2016**

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

SUBJECT: **APPEAL BY MR. R. DENNIS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE RENEWAL OF PLANNING PERMISSION 049755 TO ALLOW CONVERSION TO BARN TO 2 NO. DWELLINGS AT MERTYN ABBOTT FARM, LLWYN IFOR LANE, WHITFORD – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 054446 and 054447

2.00 APPLICANT

2.01 Mr. R. Dennis

3.00 SITE

3.01 Mertyn Abbott Farm,
Llwyn Ifor Lane, Whitford.

4.00 APPLICATION VALID DATE

4.01 12th October 2015 and 9th October 2015.

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following refusal to grant planning permission for the conversion of barns to 2 dwellings at Mertyn Abbot Farm, Whitford. The appeal was via the written representations procedure

6.00 REPORT

6.01 The Inspector considered the main issue in this appeal to be the effect of the proposed development upon a protected species and with

regard to the appeal regarding the Listed Building Consent whether the works would preserve the Listed Buildings or any features of special architectural or historic interest.

- 6.02 The buildings at Mertyn Abbot consist of a farm house with a long ranges of barns and outbuildings forming three sides of a courtyard. The house itself, dates from the 16th C and is grade 11 listed, the adjoining range is grade 11 both the farmhouse and the cruck framed barn are outside the appeal site and would not be affected by the development.
- 6.03 Planning permission and listed building consent for the conversion of the remaining barns and outbuildings to 2 dwellings was renewed in October 2012, they subsequently lapsed in 2015, and this resulted in this appeal. The scheme had not altered and there has been no alternative development plan policies put in place. The thrust of national planning policy on heritage assets and other relevant matters remain as in 2012. The Inspector noted that the Council had not raised concerns with regard to the effect of the proposal on the listed buildings, and neither has Cadw made any adverse comments as such the Inspector considered that the scheme would preserve the listed buildings and any features of special architectural or historic interests, in line with the statutory requirements.
- 6.04 The finding of the bat and breeding bird survey carried out at the property in 2012 for the earlier applications confirmed that there was no sign of bat presence or breeding birds being found during the day time search of the buildings, that the building had potential for future bat habitation, but no signs of bat activity were found. No bats were recorded entering or leaving the buildings during dawn/dusk surveys. Common Pipestrelle Bats were noted passing but not foraging or returning, in light of these findings no mitigation or compensation measures were considered to be necessary.
- 6.05 Importantly it was recommended that if the renovation of the buildings was substantially delayed, as they have been, new bat surveys may be required. No new surveys accompanied the application which is the subject of the appeal and was consequently the sole reason for refusal.
- 6.06 Since the application was determined a new ecological survey was carried out in May 2016, the findings of which were similar to the original survey and the recommendation of the survey remained the same as for the earlier survey in that no litigation or compensations were considered necessary. The updated survey demonstrated that the proposed developments would not have a significant adverse effect on important species or their habitat and therefore complies with policy WB1 of the Flintshire Unitary Development Plan.
- 6.07 In line with Circular 14/16 the Use of Planning Conditions for

Development Management, the Inspector imposed conditions as suggested by the Council namely a three year commencement, to enable review species data within a reasonable period, method statement, ground floor construction details, ventilation system details, sample of materials and paint finish and other treatments to protect the listed buildings and their special features. In addition the photographic survey is necessary to retain a record of the buildings, the restriction of outdoor lighting will prevent light pollution and the enclosure specification will preserve the setting of the Listed Building and the appearance of the surrounding use.

7.00 CONCLUSION

- 7.01 The Inspector concluded that for the reasons given above, that the development would preserve the listed buildings and their features of special architectural or historic interest and would not harm any important species or their habitat, and concluded that the appeal be allowed.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Barbara Kinnear
Telephone: (01352) 703260
Email: Barbara.kinnear@flinsthire.gov.uk