

FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND FEBRUARY 2017**

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

SUBJECT: **APPEAL BY MR. P. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A DWELLING AS PART OF A SMALL HOLDING DEVELOPMENT AT PENYCEFN ISAF, PEN Y CEFN, CAERWYS – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 054929

2.00 APPLICANT

2.01 Mr. P. Jones

3.00 SITE

3.01 Penycefn Isaf,
Pen y Cefn, Caerwys.

4.00 APPLICATION VALID DATE

4.01 24th February 2016.

5.00 PURPOSE OF REPORT

5.01 To inform Members of appeal decision in respect of an appeal following refusal to grant planning consent following Officer delegated procedure, for the erection of a 3 bedroom cottage as part of a small holding development. The appeal was via the written representations procedure and was **DISMISSED**. The Inspector for the appeal was Mr. Clive Nield.

6.00 REPORT

6.01 The Inspector considered the main issue in this appeal to be the effects of the proposed development on the character of the countryside and whether or not the proposed cottage is justified in this location.

- 6.02 The appeal site lies within open countryside and its wider surroundings comprise of agricultural land with scattered farms and cottages. The construction of a new house on the site would introduce additional built development into the countryside which would be considered to be harmful to its rural character and appearance. Despite the appellant arguing that the proposal would be eco-friendly and would not be readily visible from the public highway. The Inspector considered that the proposal would intensify built development in the open countryside to the detriment of its character, regardless of its visibility.
- 6.03 The key policy in the consideration of the appeal is Policy HSG4 of the adopted Flintshire Unitary Development Plan, which presumes against new dwellings outside settlement boundaries except where it is essential to house essential workers. This reflects Welsh Government policy which places a strong emphasis on strictly controlling the development of unnecessary new dwellings in the open countryside.
- 6.04 Despite the appellant claiming that it is necessary to live on site to run a small holding, there is only presently 2-3 horses kept on the site, and whilst the appellant intends to keep alpacas and other stock on site and grow their own vegetables and therefore there is a need to provide 24 hour care and security as livestock, especially the alpacas being valuable and delicate animals. The Inspector considered this explanation to hopelessly fail to address the functional and financial tests required to justify a new dwelling for agricultural purposes, referred to in policy HSG4 and explained in more detail in Planning Policy Wales TAN 6, Planning for Sustainable Rural Communities. In this context the Inspector considered that negligible evidence had been provided to address these requirements let alone providing sufficient evidence to justify a permanent dwelling .He considered there was no justification for a dwelling that would outweigh the harm to the countryside and the strict national and development plan policies, which seek to control unjustified development in the open countryside.

7.00 CONCLUSION

- 7.01 For the reasons given above, The Inspector concluded that the appeal should be **DISMISSED**.

LIST OF BACKGROUND DOCUMENTS

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

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