

FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND FEBRUARY 2017**

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

SUBJECT: **APPEAL BY MRS MANDIE GARDNER AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE SITING OF A CARAVAN FOR HOLIDAY LET USE AT THE REAR OF 2 TYN Y MORFA COTTAGES, TYN Y MORFA, GWESPYR, HOLYWELL – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 055553

2.00 APPLICANT

2.01 Mrs Mandie Gardner

3.00 SITE

3.01 2 Tyn y Morfa Cottages,
Tyn y Morfa,
Gwespyr,
Holywell. CH8 9JW

4.00 APPLICATION VALID DATE

4.01 10th June 2016.

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation into the refusal to grant planning permission for the siting of a static caravan to be rented out as a holiday let at 2 Tyn y Morfa Cottages, Tyn y Morfa, Gwespyr, Holywell. The application was refused by delegated powers, with the appeal dealt with by way of written representations and was **DISMISSED**. The Inspector was A.L. McCooey.

6.00 REPORT

6.01 Background

Members may recall that this application was refused by delegated powers on 9th September 2016, on the basis that the proposal would be located within both open countryside and green barrier where there is a general presumption against development of this nature. The proposal was therefore contrary to planning policies of the adopted Flintshire Unitary Development Plan and considered to have a significant detrimental impact upon the openness and visual amenity of the open countryside and green barrier.

6.02 Issues

The Inspector considered that the main issues to be whether the proposal was inappropriate development in a designated green barrier and the effect of the development on its openness, whether there were any very exceptional circumstances to clearly outweigh this harm and the effect of the development on the character and appearance of the area.

6.03 Inappropriate Development, Openness, Exceptional Circumstances and Character and Appearance

The site is located in the countryside. It is accessed from an unadopted road that crosses a railway line at a manned level crossing nearby. This road is a public footpath that leads to the large Presthaven Sands caravan site nearby. There are other large caravan sites to the south along the A548. The site comprises a narrow strip of land to the rear of Nos 1 to 3 Tyn y Morfa, accessed from land to the side of No. 3. The appellant lives in No. 2, which is a semi-detached dwelling with a parking area to the front. The site is enclosed by a close-boarded fence to the rear of the neighbouring dwellings. There are several outbuildings on and near the site. There are also several static caravans on adjoining land.

6.04 The site is in the open countryside north of Gwespyr and in a designated GBR. The Inspector was satisfied that such local designations (like green wedges) have an equal status to Green Belts. The only difference being their degree of permanence. The most important attribute of both is their openness. Policy GEN4 of the adopted Flintshire Unitary Development Plan (FUDP) refers to development in green barriers only being granted planning permission if the proposal is for the types of development set out in (a) to (g) of the Policy on page 23. Policy GEN4 is consistent with Planning Policy Wales Edition 9 November 2016 (PPW). Where reference is made to green wedges, these have effectively the same meaning as green barriers in this regard. PPW states a presumption against inappropriate development, with substantial weight to be attached to any harmful impact which a development would have on a green wedge/barrier designation. It confirms that inappropriate development should not be granted planning permission except in

very exceptional circumstances where other considerations would clearly outweigh the harm.

- 6.05 The relevant test within Policy GEN4 for this proposal is (g) other rural uses for which a rural location is essential. The site is in the open countryside so Policy GEN3 also applies. This policy adds nothing because GEN3 (j) is a similar criterion to GEN4 (g). GEN4 (g) has two provisos – firstly, the development should not contribute to the coalescence of settlements and secondly, development should not unacceptably harm the open character and appearance of the GBR.
- 6.06 The stated purpose of the application is to site a static caravan on the land and rent it out as a holiday let. Whilst it may be desirable for such a use to be located in a rural location, it is not essential. The use would result in the introduction of a static caravan on the site in an open area between large caravan sites. It would have a small effect in terms of the coalescence of settlements. However, the cumulative effect of many small developments is an important consideration. The stationing of a caravan on the site (whatever its colour) would also affect the openness of this area. The Inspector accepted that the site is relatively well-screened by a fence and outbuildings, but the proposal would still be visible. The development could also be landscaped. This would take time to mature and mitigate the effect on openness.
- 6.07 Policy T4 of the FUDP deals with static caravans. It states that in the Talacre, Gronant and Gwespyr areas development of new static caravan site will not be permitted. This is to protect the open nature of the coast and the sand dune system, but would affect openness, as discussed above. There are large caravan sites nearby but they are existing features.
- 6.08 FUDP prohibits new sites in an attempt to prevent further adverse effects. The Council stated that the existing single caravans nearby are unauthorised and enforcement action is contemplated. The circumstances of the approval of extensions to and rationalisations of existing caravan sites in the area are not known. These decisions are not for new sites and do not justify the approval of this proposal in a GBR.
- 6.09 The appellant could provide parking facilities to the front of her property. The impact of parking and access facilities to the site do not therefore count against the proposal. Natural Resources Wales were content that any effects of flooding could be addressed by simple flood-proofing measures, which the appellant has confirmed would be provided. The Inspector agreed with the parties that there would have been no significant impact on the living conditions of the adjoining residential occupiers as a result of the proposal, for the reasons given. The use of the controlled crossing was raised as a concern in an objection to the planning application. Having witnessed

its operation, the Inspector was satisfied that it would not be an impediment to the proposed use, with appropriate guidance being provided to ensure the safety of the users is not compromised.

- 6.10 The Inspector considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Section 3 of the Well-Being of Future Generations (Wales) Act 2015 (“the WBFG Act”).

7.00 CONCLUSION

- 7.01 The proposal would represent inappropriate development within a GBR. Whilst it would be small scale, it would contribute to coalescence of settlements and cause harm to the openness of the area. The proposal would therefore be contrary to Policy GEN4 and GEN3, which applies a similar test for new development in the countryside. Its effect on the character and appearance of the area would be limited given the existing screening of the site and the large number of caravans in the wider area. However, Policy T4 prohibits new caravan sites in this area. The proposal would also be contrary to that policy. The Inspector took into account the benefits of the proposal to the economy of the area and the fact that there are other caravan sites nearby. However, the Inspector did not consider that these factors outweigh the policy objections and detrimental effects of the proposal. No other very special circumstances apply that would clearly outweigh the harm that the development would cause to the GBR and justify granting planning permission. Having taken into account all the matters raised, it was concluded that the appeal be **DISMISSED**.

LIST OF BACKGROUND DOCUMENTS

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

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