

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 12 APRIL 2017**

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

SUBJECT: **OUTLINE APPLICATION FOR THE ERECTION OF 1 NO. DWELLING AT CROFTERS COTTAGE, DEESIDE LANE, SEALAND.**

APPLICATION NUMBER: **056318**

APPLICANT: **MR. & MRS J. HARLEY**

SITE: **CROFTERS COTTAGE, DEESIDE, LANE, SEALAND.**

APPLICATION VALID DATE: **17TH JANUARY 2017**

LOCAL MEMBERS: **COUNCILLOR C JONES**

TOWN/COMMUNITY COUNCIL: **SEALAND**

REASON FOR COMMITTEE: **DEPARTURE AND LOCAL MEMBER REQUEST AS SITE IS IN THE GREEN BARRIER**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is an outline planning application with all matters reserved for the erection of 1 dwelling on land adjacent to Crofters Cottage, Deeside Lane, Sealand.
- 1.02 The proposed development is new housing development in the open countryside and would constitute inappropriate development in the green barrier. No evidence of any identified local housing need for the development has been put forward and therefore there are no exceptional circumstances to outweigh the harm from inappropriate development in the green barrier. Furthermore the application site is in an unsustainable location and therefore contrary to national policy

guidance.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01 1. The proposal constitutes new housing development in the open countryside and in the green barrier remote from any settlement. The proposed development is inappropriate development in the green barrier and no exceptional circumstances have been demonstrated. The proposal is therefore contrary to policies STR1, STR4, GEN3, GEN4 and HSG5 of the Flintshire Unitary Development Plan and Planning Policy Wales Edition 9.

3.00 CONSULTATIONS

3.01 Local Member Councillor C Jones

Requests Committee determination as the site is in the green barrier.

Sealand Community Council
No objections.

Development Control Manager
The proposal has an access from Deeside Lane which is not part of the adopted highway network. No objection.

Public Protection Manager
No adverse comments to make.

Welsh Water/DwrCymru
There are no public sewers in the vicinity of the site. Condition for a drainage scheme.

4.00 PUBLICITY

- 4.01 Press Notice, Site Notice, Neighbour Notification
No responses received.

5.00 SITE HISTORY

- 5.01 **051652**
Change of use to 3no. new holiday accommodation units
Undetermined.

051333
Change of use of existing building into 3no. self-serviced holiday accommodation units. Withdrawn 06.12.13

043876

Conversion of part of agricultural building to provide a dwelling for holiday accommodation Withdrawn 27.05.08

042613

Certificate of Lawfulness section 191 application- Private dwelling for residential purposes Closed 17.12.08

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

GEN1 - General Requirements for New Development

GEN3 - Development Outside Settlement Boundaries

GEN4 – Green Barriers

D1 - Design Quality, Location and Layout

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG4 – New Dwellings Outside Settlement Boundaries

HSG5 – Limited Infill Development Outside Settlement Boundaries

Planning Policy Wales (PPW) Edition 9 November 2016

Technical Advice Note 1 Joint Housing Availability Studies

The assessment of the proposal against the policies is set out below.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline planning application with all matters reserved for the erection of 1 dwelling on land adjacent to Crofters Cottage, Deeside Lane, Sealand.

7.02 Site description

The application site forms part of the side garden to the dwelling known as Crofters Cottage. Crofters Cottage is a two storey dwelling located to the rear of the plot on its southern boundary. To the west of the dwelling is a single storey stable block. To the north of the dwelling is a large brick built outbuilding. To the west is a large scale agricultural building.

7.03 The application site includes the existing access to the dwelling. It is fronted to the north by an established hedge along its boundary with Deeside Lane, to the east by a group of dwellings known as 1 – 8 Old Farm Cottages. Its boundary is demarcated by a post and rail fence. Part of the site is a hardstanding and the rest is laid to lawn with domestic buildings such as a greenhouse, brick built outbuildings and a trampoline. The eastern boundary is an existing brick wall.

- 7.04 Proposed development
It is proposed to erect a detached dwelling. This is an outline application with all matters reserved. The indicative plan illustrates the dwelling sharing the access and driveway with Crofters Cottage. This is an outline application so no detail has been provided except that the parameters would be between 7 – 12 metres in width, 5- 13 metres in length and 6-7 metres in height.
- 7.05 Principle of Development
The application site is located in the open countryside, outside any recognised settlement boundary in the adopted Flintshire Unitary Development Plan, where there is generally a presumption against new development. The site is also within the green barrier designated under Policy GEN4 of the Flintshire Unitary Development Plan.
- 7.06 Although the UDP Plan period became time-expired at the end of 2015, it will still remain the development plan until the LDP is adopted and will therefore continue to be afforded weight, subject to its policies and proposals remaining in general conformity with guidance in PPW/TAN's.
- 7.07 In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.
- 7.08 Policy GEN4 sets out the designated green barriers in the plan area. This only permits development within these areas for specific circumstances. The only form of new housing development permitted in green barriers is criteria d) limited housing infill development to meet proven local housing need or affordable housing exceptions schemes provided that it would not contribute to the coalescence of settlements and unacceptably harm the open character and appearance of the green barrier.
- 7.09 PPW provides guidance on green wedges or barriers and Policy GEN4 of the UDP is generally in conformity with that advice. There is one slight difference in that the GEN4 does not specifically use the term inappropriate development. Nevertheless the UDP Inspector approved the present wording of GEN4 and when read alongside the guidance in PPW, provides a clear position in respect of green barriers. Housing development, in the form proposed, does not form one of the types of development that can be permitted in a green barrier and therefore, by definition, the development being proposed here must be treated as 'inappropriate development'. Paragraph

4.8.15 of PPW states that inappropriate development should not be granted planning permission except in exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Barrier.

- 7.10 Policy HSG5 infill permits development provided that it meets a proven local need and meets the criteria of the policy. In this case no evidence has been put forward to demonstrate that there is a local need which this dwelling would satisfy. Furthermore it is not considered that the proposal meets with the remainder of the policy.
- 7.11 Criterion a of the policy states development may be permitted if it “comprises a small gap within a clearly identifiable group of houses within a continuously developed frontage”. While there is a group of houses adjacent forming the Old Cottages, the pattern of development is such that the adjacent cottages run in a row north to south away from the road with a further dwelling to the east. To the west of the site is an industrial unit associated with the agricultural use of the surrounding fields. The dwelling of Crofters Cottage is set back from the road and its outbuildings which are further forward within the site. It is therefore considered that there is not a “continuously developed frontage” and there is not “a small gap within a clearly identifiable group of houses”.
- 7.12 In this case the site is also within the green barrier. No evidence of any identified local housing need for the development has been put forward and therefore there are no exceptional circumstances to outweigh the harm from inappropriate development in the green barrier. It does not meet the requirements of the infill policy and it would unacceptably harm the open character and appearance of the green barrier.
- 7.13 TAN1 and PPW
It is acknowledged that, on the basis of the residual method of calculating housing land supply, the Council has a 3.7 year supply as at April 2014 which represents a decrease from the previous figure of 4.1 years. In the light of guidance in PPW and TAN1 it is accepted that there is a need to increase land supply through considering applications for appropriate sustainable development.
- 7.14 Welsh Government Technical Advice Note 1 states that “*The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study..... The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.*”

- 7.15 It is clear from national planning guidance that considerable weight should be attached to the lack of a 5 year housing land as a material planning consideration. Furthermore, decisions must also be made in the context of the Welsh Governments 'presumption in favour of sustainable development'.
- 7.16 Welsh Government Advice and National Planning Policy Planning Policy Wales Edition 9 paragraph 4.2.2 states "*The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time,*" when taking decision on planning applications."
- 7.17 Planning Policy Wales Edition 9 paragraph 4.2.4 states "*A plan led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2) Where;*
- *There is no adopted development plan (see 2.6) or*
 - *The relevant development plan policies are considered outdated or superseded (see 2.7) or*
 - *Where there are no relevant policies (see 2.7)*
- there is a presumption in favour of proposal in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes."*
- 7.18 Paragraph 4.2.5 states "*In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge whether this is the case using all available evidence, taking into account the key principles (see 4.3) and policy objectives (see 4.4) of planning for sustainable development. In such case the local planning authority must clearly state the reasons for the decision."*
- 7.19 Sustainable development and capacity of the settlement
The site is outside any defined settlement with any facilities. It is 1.5km from the site to the adopted highway of Sealand Road. The nearest settlement is Sealand which has no facilities. Garden City is approximately 4km to the west and Blacon is 4km to the east.
- 7.20 Para 4.7.8 of PPW states '*development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access and habitat and landscape conservation...new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled'*.

7.21 The location is not considered to be sustainable as it is located off a private road approximately 1.5km off the adopted highway. It is therefore considered that any additional development in this location would be wholly dependent on the car. The development would constitute development in the open countryside away from any settlement which national policy states it should be strictly controlled. While there is a lack of a 5 year land supply it is not considered that this overrides the harm caused by a dwelling in the open countryside and the green barrier.

8.00 CONCLUSION

8.01 The proposed development is for new housing development in the open countryside and would constitute inappropriate development in the green barrier. No evidence of any identified local housing need for the development has been put forward and therefore there are no exceptional circumstances to outweigh the harm from inappropriate development in the green barrier. Furthermore the application site is in an unsustainable location and therefore contrary to national policy guidance set out in PPW and TAN1.

8.02 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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