

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28 OCTOBER 2020**

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

SUBJECT: **FULL APPLICATION – SITING OF LOG CABIN TO PROVIDE ANCILLARY USE TO THE MAIN RESIDENTIAL DWELLING AND SITING OF A STATIC CARAVAN TEMPORARY 12 MONTH PERIOD (RETROSPECTIVE) AT BRYNSHOLYN, CEFN ROAD, CILCAIN.**

APPLICATION NUMBER: **060372**

APPLICANT: **MRS FIONA KELLY**

SITE: **BRYNSHOLYN, CEFN ROAD, CILCAIN, CH7 5HR**

APPLICATION VALID DATE: **15/08/2019**

LOCAL MEMBERS: **COUNCILLOR W O THOMAS**

TOWN/COMMUNITY COUNCIL: **CILCAIN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **CALL IN FROM CLLR THOMAS ON THE BASIS THAT HE CONSIDERS THAT COMMITTEE MEMBERS NEED TO SEE THE SITE IN CONTEXT.**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 The is a full retrospective planning application timber log cabin and temporary siting of a static caravan at Brynsholyn, Cefn Road, Cilcain.
- 1.02 The cabin includes a timber decking area and exterior seating area and will provide an ancillary use to the main residential dwelling. The application also seeks a 12-month temporary consent for a static caravan.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

2.01 Conditions:

1. Time limit on commencement
2. In accordance with approved plans
3. Ancillary use only and not a separate dwelling or holiday accommodation.
4. Details of sewage treatment to be agreed and implemented prior to occupation.
5. Removal of caravan either 12 months from date of decision or when the log cabin comes into use, whichever is sooner.
6. No outdoor lighting.

3.00 CONSULTATIONS

**3.01 Local Member
Councillor Owen Thomas**

Expresses concerns that it is difficult to not conclude that the lodge is not intended for use as a dwelling in open countryside. Requests committee site visit.

Cilcain Community Council

Objects. Considers that the location of the log cabin does not tally with the concept of an ancillary facility for the existing dwelling. The Council fails to understand why a log cabin to provide 'ancillary use' to an existing dwelling needs to have a newly constructed separate access and does not share facilities provided in the existing dwelling. The log cabin is also out of character in appearance with the existing dwelling.

The Community Council strongly suspects that the intention of the log cabin development is to eventually provide facilities for conversion to a separate dwelling in due course.

Highways Development Control

No objection.

Pollution Control

No comments.

Dwr Cymru Welsh Water

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

Natural Resources Wales

No objection. Notes that the application site is located partially within

and adjacent to the Alyn Valley Woods Special Area of Conservation (SAC). Considers that the information submitted demonstrates that the proposals are unlikely to impact upon SAC features. The development is also located partially within and adjacent to the Alyn Valley Woods and Alyn Gorge Caves Site of Special Scientific Interest (SSSI). NRW consider that the proposals are unlikely to affect any SSSI features.

Hanson Aggregate (North)

Consultation Letter sent. No response at time of writing.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

4.02 2 letters of objection received raising the following issues:

- If granted, it will set a precedence for other residents to erect wooden chalets in fields which do not form part of a property's garden.
- Impact on the area of outstanding natural beauty.
- Questioned the need for a new access road to the log cabin if the cabin is only to be used for ancillary use.

5.00 SITE HISTORY

5.01 No previous planning history.

Members should note that whilst the applicant references permission for siting of 5 tents that expired 2018, there is no record of such a planning permission to reflect this. This is likely to have been an activity permitted by virtue of the provisions of Schedule 2, Part 5, Class B of The Town and Country Planning (General Permitted Development) Order 1995 (as amended)

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR 1 New Development

Policy STR7 Natural Environment

Policy GEN1 General Requirements for Development

Policy GEN3 Development in the Open Countryside

Policy D1 Design Quality, Location and Layout

Policy D2 Design

Policy D4 Outdoor Lighting

Policy WB2 Sites of International Importance

Policy WB3 Statutory Sites of National Importance

HSG4 New dwellings outside settlement boundaries

HSG7 Change of use to residential outside settlement boundaries

HSG13 Annex accommodation

6.02 Supplementary Planning Guidance
SPG No. 8 Nature Conservation and Development

6.03 National: Guidance
Planning Policy Wales Edition 10 December 2018.

7.00 PLANNING APPRAISAL

7.01 The Site & Surroundings

The application site is located within an area of open countryside which is wooded in character. The site forms part of the curtilage to the property known as "Brynsholyn". The main dwelling fronts onto Cefn Road and access to the upper level of the site on the western boundary lies 25m south of the entrance to the nearby dwelling, "Beryndor. To the rear of the site on the eastern boundary is open countryside, to the south & south east is open countryside and a sewage treatment works. To the north lies a disused quarry.

7.02 The Proposals

The application is retrospective as works in connection with the siting and erection of the lodge building have commenced prior to the submission of the application and the caravan is presently sited upon the site.

7.03 The seeks consent for a timber lodge and temporary siting of a static caravan. It is intended that the lodge is to be used as a workshop and hobby area to be subservient to the main dwelling and used only as an auxiliary accommodation to provide extra space for the occupant's teenage daughter, having regard to her particular circumstances which are set out in the 'Other Material Considerations' section within this report.

7.04 During the period of the site works and completion of the lodge, it is requested that temporary permission for the static caravan which is sited adjacent to the south elevation of the main dwelling be granted. This is currently being used as an auxiliary to the main dwelling for the purpose of a temporary workshop and hobby area for the occupant's daughter.

7.05 The Main Issues

I consider the main issues in relation to this application to be:

1. The principle of development having regard to the development plan;
2. Other material considerations;
3. Impacts upon the character and appearance of the area; and
4. Ecological impacts

7.06 The Principle of Development

Policy HSG13 of the Flintshire Unitary Development plan addresses the issue of annex accommodation where it is ancillary to the

residential use of the existing dwelling. It acknowledges that usually such annexes are used to augment the living or sleeping accommodation of the main house where the main residential rooms will remain. In this case, the proposed annex accommodation is serving the purposes as outlined in para. 7.03 above.

7.07 Concern has been raised in response to consultation that the proposal does not appear to be ancillary, rather taking the form of separate accommodation with a separate access. The proposed access has been removed during the course of this application, reinforcing the functional link between the lodge and the existing dwelling. As such, I am satisfied that the lodge is sited within the curtilage of and is ancillary to the main dwelling.

7.08 For the avoidance of doubt, should the use of the lodge be anything other than for hobby purposes ancillary to the main dwelling, with only associated modest facilities for convenience and if the lodge becomes/is used as self-contained accommodation, Policy HSG13 makes clear that this would be a material change of use that would, nonetheless, require a further grant of planning permission. Accordingly, I am content that this proposed use accords with Policy HSG13.

7.09 Other Material Considerations

I have had regard to the particular and personal circumstances of the applicant in coming to my recommendation in this matter and have noted that the applicant acknowledges within the application particulars that her daughter suffers severely from Obsessive Compulsive Behaviour which is driven by severe anxiety. The lodge is intended to provide space for workshop and hobby areas which will provide an important space where the daughter will be able to freely express herself without the stress and strain that can trigger these attacks arising from her diagnosed condition.

7.10 Whilst I note these particulars, and they are material personal circumstances that would weigh heavily into the balance were I not satisfied that, in itself, the proposal was not acceptable as a matter of principle, as I set out above, I conclude that the proposals would be acceptable as a matter of policy principle in themselves. Accordingly, this issue has not attracted significant weight in my arriving at this recommendation, although it remains material.

7.11 Impacts upon Character and Appearance

As outlined above, the site is located within a wooded landscape within the open countryside. The character of built form within this landscape is limited to small pockets of development (save for the extensive quarrying activities in the wider landscape) which punctuate this woodland mosaic.

- 7.12 The lodge is currently sited north east of the main dwelling within the wooded area. Whilst close to trees, no trees are being removed as part of this proposal. Given its siting, nestled in wooded area, the site is very well screened from views into the site and is contained by the landscape within which it is located. The same is true of the current location of the caravan for which temporary consent is sought. The wooden material and cabin style helps the lodge to blend in to its surrounds.
- 7.13 Concerns have been raised in relation to the impact of the proposals upon the nearby Area of Outstanding natural Beauty. However, the site is not within this area and given the visually contained nature of the site, I am satisfied that the AONB will not be adversely affected in respect of views from the AONB of the site.
- 7.14 Consultation responses raised concerns that the proposal does not appear to be ancillary but rather taking the form of separate accommodation with a separate access. The proposed access has been removed reinforcing the functional link between the lodge and the existing dwelling. As such, I am satisfied that the lodge is sited within the curtilage of, and is ancillary, to the main dwelling.
- 7.15 This is a retrospective application as work has commenced. Appropriate conditions are required to ensure that the caravan is removed in a timely manner either before use of the lodge commences or within 12 months of this decision, whichever is sooner.
- 7.16 Ecological Impacts
The application site is located partially within and adjacent to the Alyn Valley Woods Special Area of Conservation (SAC). The development is also located partially within and adjacent to the Alyn Valley Woods and Alyn Gorge Caves Site of Special Scientific Interest (SSSI).
- 7.17 Additional information has been submitted by the developer including specification of the package treatment plant, soakaway structure (Drainage mound) and the location of these elements in relation to the SAC. NRW have reviewed this information and consider it to satisfactorily demonstrate that the proposals are unlikely to impact upon SAC features in the vicinity and as such, would not object to the proposals. Having met the requirements in regards to the SAC, NRW consider that the proposals are also unlikely to affect any SSSI features.
- 8.00 CONCLUSION**
On balance, the proposed siting and use of the log cabin can be supported subject to conditions restricting its use as living accommodation in the form of a holiday let. The case for the caravan is accepted and subject to it being for a temporary period can be supported. I am therefore satisfied there are no adverse impacts and,

subject to appropriate conditions, recommend planning permission is granted.

8.01 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.

8.02 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.

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

8.04 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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