

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **5<sup>TH</sup> SEPTEMBER 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **APPEAL BY MR. L. WARD AGAINST THE DECISION  
OF FLINTSHIRE COUNTY COUNCIL TO REFUSE  
PLANNING PERMISSION FOR THE VARIATION OF  
CONDITION 2 UPON PLANNING PERMISSION  
045753 AT CAERWYS CASTLE CARAVAN PARK,  
CAERWYS HILL, CAERWYS, FLINTSHIRE.**

**1.00 APPLICATION NUMBER**

1.01 049192

**2.00 APPLICANT**

2.01 Premier Caravans Ltd  
White Tower  
Caernarfon  
Gwynedd  
LL54 5UH

**3.00 SITE**

3.01 Caerwys Castle Caravan Park  
Caerwys Hill  
Caerwys  
Flintshire.

**4.00 APPLICATION VALID DATE**

4.01 3<sup>rd</sup> November 2011

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal decision, following the refusal of planning permission under delegated powers on 3<sup>rd</sup> January 2012 for the variation of condition 2 attached to planning permission Ref: 045753 to allow for 12 month holiday season at Caerwys Castle

Caravan Park, Caerwys Hill, Caerwys. The appeal was considered by way of an informal hearing held on the 24<sup>th</sup> May 2012 and was ALLOWED.

- 5.02 During the course of the hearing, the appellant submitted an application for costs, which the Inspector ALLOWED in favour of the applicant.

## **6.00 REPORT**

- 6.01 The Inspector considered the main issue to be the effect of the proposals on policies designed to control the provision of housing and to protect the character and appearance of the countryside and the Area of Outstanding Natural Beauty (AONB).

- 6.02 The appeal site lies within an area of open countryside between the settlements of Caerwys and Afonwen and in close proximity to the Clwydian Range AONB. The application had sought to allow a 12 month holiday season from the current 10.5 month per annum allowed. It was the Council's case that the additional period of occupation would make it difficult to distinguish between this and a residential use and that the additional activity during the winter months would be detrimental to the character of the area and would erode the openness and character of the area between the two settlements of Afonwen and Caerwys

- 6.03 In arriving at his decision the Inspector considered that this additional activity would be unlikely to contribute in any significant degree to an impression of coalescence of the identified settlements. The Inspector noted that the site is visible from the adjacent AONB and that vegetation had been removed from the southern extremes of the site which reduced the effectiveness of the vegetation screen in this area. He did appreciate that the screening of the site afforded by vegetation would be at the minimum during the period for which the extension of operating season was sought.

- 6.04 However, he considered that the park itself was only one of a number of elements within the landscape which were visible from the AONB. He concluded that any increase in activity would be negligible and indistinguishable at the distances involved, notwithstanding the reduced level of screening. He considered that any increased impact of the site upon the landscape would only arise from the permanence of structures or introduction of further structures and not from the increase in activity of existing structures.

- 6.05 He therefore concluded that year round holiday usage would not alter the relationship with the landscape nor contribute to an impression of coalescence.

6.06 In arriving at this conclusion, the Inspector considered that the condition presently in place, which restricted operation of the park to a 10.5 month season, was unduly restrictive. He considered an amended form of wording suggested by the Local Planning Authority, which sought to establish enforceable control over the operation of the park for holiday purposes, but concluded that this was unduly onerous and intrusive.

6.07 The condition suggested by the Local Planning Authority read as follows;

**“The units shall be occupied for holiday purposes only and not as a person’s sole or main place of residence. The owner of each unit and the site operator shall maintain an up to date register of the names of owners and occupiers of caravans on the site, their main home addresses, the dates each caravan has been occupied and by whom. The information shall be made available for inspection at all reasonable times on request from the local planning authority.”**

Alternatively, the Inspector substituted Condition 2 of planning permission Ref: 045753 to read as follows;

**“The units within the site shall be occupied for holiday purposes only and not as a person’s sole or main place of residence.”**

6.08 It is disappointing that the Inspector did not accept the form of wording suggested by the Local Planning Authority as the condition imposed is far less precise and consequently, I am concerned that the form of wording utilised by the Inspector will cause great practical difficulties in enforcing against any residential use of the caravans.

6.09 **Costs**

In deciding to award costs in favour of the Appellant, the Inspector considered that the Local Planning Authority had acted unreasonably in refusing planning permission. He referred to the case that the revised operating times would be akin to a residential use as a misinterpretation of the application and considered that there was insufficient evidence to support the reasons for refusal.

6.10 It is disappointing that the Inspector concluded that the Local Planning Authority did not provide sufficient evidence to support its concerns in relation to landscape impact and impacts upon the AONB. Members will appreciate that the issue of visual impact was considered at a hearing and subsequent site visit at a time of the year when vegetation growth in the area was at its fullest. The Inspector was invited to bear this in mind, together with the deciduous nature of the existing landscape screening which was highlighted both in the hearing and upon the site visit.

6.11 It was therefore for the Inspector to weigh these considerations in his mind when considering the appeal and examining the visual impact of the site in the landscape itself. It is not clear what 'evidence' as such could have been presented to place before the Inspector in respect of this issue given the time of year. It was a matter upon which the Inspector would have to exercise planning judgement, as he did. However, it is unclear how an issue requiring an exercise of judgement can be viewed in an evidential context and then referred to as a reason behind allowing an award of costs.

## **7.00 CONCLUSION**

7.01 The Inspector concluded that the proposal was not unacceptable in the terms presented and would not give rise to unacceptable impacts upon either landscape or settlement and was not therefore contrary to the applicable policies and therefore the appeal was ALLOWED.

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