

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **WEDNESDAY, 23 MAY 2018**

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

**SUBJECT:** **OUTLINE APPLICATION FOR THE ERECTION OF  
A DWELLING AT BAYONNE, HAFOD MOOR,  
GWERNAFFIELD.**

**APPLICATION  
NUMBER:** **058124**

**APPLICANT:** **MR & MRS JONES**

**SITE:** **BAYONNE,  
HAFOD ROAD, GWERNAFFIELD**

**APPLICATION  
VALID DATE:** **28<sup>TH</sup> FEBRUARY 2018**

**LOCAL MEMBERS:** **COUNCILLOR MS A.J. DAVIES-COOKE**

**TOWN/COMMUNITY  
COUNCIL:** **GWERNAFFIELD COMMUNITY COUNCIL**

**REASON FOR  
COMMITTEE:** **MEMBER REQUEST**

**SITE VISIT:** **YES**

**1.00 SUMMARY**

- 1.01 This is an outline application for the erection of a single dwellinghouse on land at Bayonne, Hafod Moor, Gwernaffield. The site is located outside settlement boundaries, and is within both the open countryside and the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.
- 1.02 With regards to the proposed location, the application is not for a proven local housing need and it is not considered to be infill development as part of a continuous line of built up frontages. The proposal represents unjustified development which will have a significant detrimental impact upon the character and appearance of

the countryside and, would not maintain or enhance the natural beauty of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty. The principle of development is therefore contrary to Policies STR1, GEN3, L2, HSG4 and HSG5 of the Flintshire Unitary Development Plan.

1.03 The recommendation is to refuse planning permission.

**2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

2.01 If allowed, the proposed dwelling would be located in the open countryside, whereby there is a general presumption against development of this nature that is not intended or required to meet a local housing need or the essential need of farm and forestry workers, thereby contrary to Policies STR1, GEN3, HSG4 and HSG5 of the Adopted Flintshire Unitary Development Plan and relevant guidance in Planning Policy Wales and TAN 6.

2.02 The proposal represents unjustified non-essential development in the open countryside, which does not maintain or enhance the natural beauty of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty and is therefore contrary to Policy L2 of the Adopted Flintshire Unitary Development.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Ms A.J. Davies-Cooke

Wishes the application to go to Planning Committee and have a site visit as supports development within the curtilage of dwellings.

Gwernaffield Community Council

No response received at time of writing.

Head of Assets and Transportation

Advises that the road giving access to the site is not adopted and that the access onto the adopted network is substandard. However, given that the un-adopted road serves 12 existing dwellings, it is not considered that a recommendation of refusal may be substantiated on this basis. An additional single dwelling would not result in a significant increase in the use of the access. Therefore, as the Highway Authority I can confirm that I have no objection to the proposed development.

Head of Public Protection

No adverse comments to make on the application.

### Clwydian Range and Dee Valley AONB JAC

The Joint Committee Advises that the site is outside any recognised settlement and fails to comply with the sustainable location criteria. Furthermore, the committee is concerned that the site does not meet the definition of infill development. It is also noted that the dwelling is intended as open market housing without any reference to meeting local need as required by current UDP policy. In addition, the application states there are no trees or hedges on the site, which is incorrect. In this context, the Joint Committee is seriously concerned that the proposal will have a harmful impact on the character of the AONB and objects to the application.

## **4.00 PUBLICITY**

### 4.01 Press Notice, Site Notice, and Neighbour Notification

The application was advertised by site notice which was displayed on 14/03/18.

6 letters of objection in relation to:

- The site is a greenfield site outside the settlement boundary;
- The site is within open countryside and an Area of Outstanding Natural Beauty;
- The proposal would be out of character within its rural location;
- The proposed access is on an un-adopted track which has limited passing places and is maintainable by the existing properties along Hafod Moor;
- The proposal would lead to additional traffic on Hafod Moor and threaten pedestrian and other road users safety;
- Emergency services access could be adversely affected by the increased traffic generated:
- Surface water drainage problems;
- Noise impacts from the development;
- The proposal would set a precedent for other similar proposals to come forward.

## **5.00 SITE HISTORY**

5.01 None relevant.

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

STR7 – Natural Environment

GEN1 – General Requirements for New Development

GEN3 – Development in the Open Countryside

TWH1 – Development Affecting Trees & Woodlands

L1 – Landscape Character

L2 – Area of Outstanding National Beauty  
AC13 – Access and Traffic Impact  
HSG4 – New Dwellings Outside Settlement Boundaries  
HSG5 – Limited Infill Development Outside Settlement Boundaries

Local Planning Guidance Note 2 – Space Around Dwellings  
Local Planning Guidance Note 2 – Trees & Development  
Local Planning Guidance Note 10 – New Housing in the Open Countryside

Planning Policy Wales (PPW) (Edition 9, November 2016)  
Technical Advice Note (TAN) 1 – Joint Housing Land Availability Studies (2015)  
Technical Advice Note (TAN) 2 – Planning & Affordable Housing (2006)  
Technical Advice Note (TAN) 6 – Planning & Sustainable Rural Communities (2010)  
Technical Advice Note (TAN) 18 – Transport (2007)

The proposal **would not** comply with the above policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description & Proposed Development**

The application site comprises garden land located to the south of the existing bungalow of Bayonne. Accommodating a number of tall trees, the site is enclosed by low hedgerows and a mixture of stock proof and post and rail fencing. The hedgerow and public footpath to the south bounds the site, marking the boundary of the neighbouring paddock and residential property of Cartref. The site is served by a private un-adopted track which provides access to twelve other residential properties. The context is predominantly agricultural farmland interspersed with hedgerows and areas of woodland.

The application seeks outline permission with all matters reserved apart from access for the erection of a substantial new detached dwelling with all accommodation on the ground floor. With reference to the information provided, it is advised that the proposed dwelling will have the maximum overall dimensions of 17.3m (length), 18.4m (width) and 7.95m (height). An illustrative plan showing the siting of the proposed dwelling within the plot has been submitted.

### **7.02 Principle of Development**

The site is located within open countryside and is outside a recognised settlement boundary as defined by the Flintshire Unitary Development Plan (UDP). The site also lies within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty. Policies STR1, GEN3, HSG4 and HSG5 essentially restrict the type of development permitted outside settlement boundaries. The

application does not relate to an essential farm or forestry worker under Policy HSG4 or a rural enterprise dwelling as defined in Planning Policy Wales and TAN 6.

The Site benefits from natural screening provided by the existing hedgerow and trees. The relatively exposed position of the site enables views of it from various nearby public viewpoints. Whilst the settlement of Gwernaffield has a strong cohesive form, Bayonne and its neighbouring dwellings are physically separated from the centre of Gwernaffield by some distance. The site thus appears as a constituent part of an isolated cluster of dwellings and ancillary buildings situated within the open countryside. Notwithstanding this, the proposed dwelling would be situated between two existing properties of similar form, scale and alignment, with frontage access obtained from the lane. The site could appear as 'infill' development, as it would not materially extend the existing cluster of dwellings into the open countryside per se. However, it is not considered that the site forms part of an otherwise continuously built up frontage and is not surrounded by largely developed land. Consequently, the site would not represent as an infill site.

UDP policy GEN3 Development in the Open Countryside states in criterion b). that "small scale infill development comprising of one or two housing unit(s) within a clearly identified group of dwellings may be permitted where the proposal would satisfy the requirements of policy HSG5". Policy HSG5 goes on to state that such housing should meet a "proven local housing need" and then defines the nature of such need in its reasoned justification. The application is clearly not for an identified "local need" but for private market housing. In addition, the application does not meet the tests of criterion a). of the policy i.e. "comprises a small gap which is not an important landscape, nature conservation, historic or other amenity feature within a clearly identifiable small group of houses within a continuously developed frontage". Paragraph 11.61 of the UDP, further explains that "a group of houses must form part of a continuous built-up frontage and should not be interspersed by individual field parcels". Similarly, an infill housing plot is defined as "a small gap capable of accommodating a single house unit within a continuous line of built up frontages". The application site would not conform to that description and would thus run counter to the purpose and intent of policy HSG5.

The applicant's submission makes reference to the lack of a 5-year supply of housing and to *Technical Advice Note – 1 – Joint Housing Land Availability Studies* (TAN 1). Paragraphs 8.1 and 8.2 of this document clarify that, where a UDP plan period has expired, as is the case in Flintshire, a local planning authority will be considered to not have a 5-year Housing and Land Supply (HLS). Paragraph 6.2 of TAN 1 states that in such circumstances, 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.

In this case, it is considered that the proposal would not comply with the relevant UDP policies and that it would cause significant harm to the rural character and appearance of the surrounding area. Furthermore, whilst UDP policy STR1 indicates that development within the open countryside may be permitted where it is essential to have an open countryside location, no evidence has been submitted to demonstrate that the proposed housing unit is justified by virtue of its rural location.

#### 7.03 Character and Appearance of Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

The site is located within open countryside in the Adopted Flintshire Unitary Development Plan and within the Clwydian Range & Dee Valley Area of Outstanding Natural Beauty (AONB).

All matters are reserved apart from the access, the indicative dimension and layout plan would suggest that the majority of the existing trees would need to be removed in order to accommodate the dwelling. The height and density of the trees assist in reducing the visual prominence of the cluster of houses as a whole. The provision of a dwelling with a width of up to 17.3m and a ridge height of around 7.95m on the existing open garden area, in combination with the reduced number of trees, would substantially alter the character of the site, and in visual terms, would materially increase the density of the built form within the cluster. In accentuating the prominence of an isolated cluster of suburban dwellings within the open countryside, the proposal would unacceptably harm the character and appearance of the immediate area and this part of the AONB.

#### 8.00 CONCLUSION

Having regard to the most current advice in TAN 1, considerable weight is given to the need to increase the supply of housing; of which the contribution of one dwelling to the housing land supply would be significantly modest. Sustainability considerations and the need to ensure opportunities for affordable housing in rural areas is at the heart of both UDP policies and national guidance in PPW providing that a genuine need is evident. However, no evidence or supporting information is provided to justify that the proposal is to satisfy a genuine local housing need, and therefore fails to meet the necessary criteria based approach set out in Policy HSG4 and HSG5 and accompanying national planning guidance.

To conclude, it is considered that the cumulative adverse impacts of granting planning permission would significantly and demonstrably

outweigh the benefits. Furthermore, the proposal would run counter to Policies STR1, GEN3, HSG4, HSG5 and L2 of the Flintshire Unitary Development Plan.

#### 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.

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

**Contact Officer:** Katie H Jones  
**Telephone:** 01352 703257  
**Email:** [katie.h.jones@flintshire.gov.uk](mailto:katie.h.jones@flintshire.gov.uk)