

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **23RD MAY 2018**

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

SUBJECT: **APPEAL BY MOLD GOLF CLUB AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE REMOVAL OF CONDITION NO. 1 ATTACHED TO PLANNING PERMISSION REF: 052686 TO ALLOW PERMANENT RETENTION OF PROTECTIVE NET BARRIER AT MOLD GOLF CLUB, CILCAIN ROAD, PANTYMWYN – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 056335

2.00 APPLICANT

2.01 Mold Golf Club

3.00 SITE

3.01 Mold Golf Club
Cilcain Road
Pantymwyn

4.00 APPLICATION VALID DATE

4.01 20/12/2016

5.00 PURPOSE OF REPORT

5.01 To inform members of the Inspector's decision in relation to an appeal into the refusal to grant planning permission for the removal of Condition No. 1 attached to planning permission ref. 052686 to allow permanent retention of protective net barrier at Mold Golf Club, Cilcain Road, Pantymwyn. The application was refused under delegated powers with the appeal dealt with by way of written representations and was **ALLOWED**.

6.00 REPORT

6.01 Background

In 2012, planning permission (ref. 049694) was granted for the erection of a protective net barrier at the golf club. Condition No. 1 of the 2012 planning permission allowed the development for a temporary period until 18/10/14, and if no new planning permission was obtained for the retention of the protective net, the condition required the structure to be removed and the land reinstated. A second planning permission (ref. 052686) for the protective net was obtained in 2014, which allowed the structure to be extended by 7.14m on either side.

6.02 Issues

The Inspector considered the main issues to be whether condition 1 is reasonable and necessary to address the effect of the net barrier on a) the character and appearance of the locality and b) the living conditions of the occupiers of neighbouring residential property, Innisfree, in regard to visual impact and their safety.

6.03 Character and Appearance

Conditions of the original planning permission required the protective net barrier to be supported by painted (green) box steel posts. The Inspector noted that the frame viewed on-site had such an appearance with the vertical posts noted as being around 7m in height. There is netting and horizontal support stretched between these posts. The Inspector states that photographs provided indicate that the eastern-most vertical post and a supporting diagonal end brace are visible from at least one window in the side elevation of Innisfree.

6.04 The Inspector noted that the golf club is surrounded by countryside including areas of woodland and development in the villages of Gwernaffield and Pantymwyn. The golf club is bound by a road to the north that runs through these villages and to the south, by Pant y Buarth Lane. While this lane does provide a route toward the nearby Area of Outstanding Natural Beauty, it also includes a large electricity sub-station and associated infrastructure on the opposite side of the highway from, and near to, Innisfree. The Inspector continues to say that there are other dwellings and some industrial units further along the lane that causes Pant y Buarth Lane to have a rural character that includes significant pockets of development. The Inspector comments that there are footpaths crossing the golf course, which provide public views of the protective net barrier from various locations and also mentions planting in terms of the development being a strong landscape element amongst mature trees and woodland beyond. The Inspector states that it is a structure that reasonably can be expected to occur on a golf course, as protective net barriers are a characteristic of golf course environments next to

sensitive land uses, such as residential amenity space and highways. The Inspector, therefore, concludes that the protective net barrier is of a design that harmonises with its site and surroundings as it reflects the landscape character of the locality, which includes the golf club and, accordingly, it complies with the relevant parts of UDP Policies GEN1 and SR3 along with Planning Policy Wales.

6.05 Living Conditions

In terms of visual impact the Inspector considers criterion d) of UDP Policy GEN1, which seeks development to not have a significant adverse impact on the safety and amenity of nearby residents. PPW also seeks good design and supports expansion of existing businesses located in the open countryside provided that there are no unacceptable impacts on local amenity. The Inspector acknowledges that the visual impact of the protective net barrier is significant on occupiers of Innisfree but goes on to explain that it is a structure that reasonably can be expected to occur in such a location and its scale reflects that of the dwelling and vegetation around it. He considers that the visual impact from the net barrier is not unacceptably harmful to the occupiers of Innisfree, or to others.

6.06 Safety

Two risk assessments have been carried out and submitted by the appellant. Details have also been provided of a court case related to potential risk associated with the positioning of the 14th green and the protective net barrier. Criteria within UDP Policy GEN1 consider personal and community safety; the use of adjoining land; and safety of nearby residents. The Inspector confirms that in relation to the two adjoining land uses in this location, retention of the protective net barrier would ensure compliance with the relevant parts of UDP Policy GEN1 and PPW.

6.07 Other matters

The Inspector comments on the effect on wildlife, property prices and other areas of the golf course that do not have a protective net barrier but does not attach any weight to these matters.

7.00 CONCLUSION

7.01 The Inspector concluded that no matters have been found to outweigh the identified policy compliance and lack of unacceptable harm. He continues to say that Condition 1 fails to meet the tests of a condition and, accordingly, the appeal is **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS

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

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