

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **8<sup>TH</sup> JANUARY 2020**

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

**SUBJECT:** **APPEAL BY SANDRA ROBERTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR AN OUTLINE APPLICATION FOR THE ERECTION OF A 4 BEDROOMED DETACHED DWELLING AT THE OLD TOLL COTTAGE, WHITFORD ROAD, WHITFORD.**

**1.00 APPLICATION NUMBER**

1.01 059673

**2.00 SITE**

2.01 The Old Toll Cottage,  
Whitford Road, Whitford.

**3.00 APPLICATION VALID DATE**

3.01 20<sup>th</sup> September 2018

**4.00 PURPOSE OF REPORT**

4.01 To inform Members of a decision in respect of an appeal, following the Local Planning Authority decision to refuse to grant planning permission in outline for the erection of a dwelling at Land diagonally opposite The Toll gate Cottage, Whitford Road, Whitford, Nr Holywell, Flintshire, CH8 9AF

The appointed Planning Inspector was Sian Worden. The appeal was determined via written representation and was **DISMISSED**.

**5.00 REPORT**

5.01 The application was in outline with all matters reserved for later determination. The Inspector identified the main issues in this case as the effect of the proposal, on the on the open countryside; and on highway safety.

- 5.02 In terms of the proposals impact the appeal site forms a triangular plot of land at a crossroads. While other buildings and houses can be seen from the site, including the church and developed edge of the village of Gorsedd, the setting is rural with much of the surrounding land being in agricultural use. The proposal, which is in outline, is for a four bedroomed two storey dwelling on the site.
- 5.03 Despite being beyond its end date of 2015, the Inspector noted that the Flintshire Unitary Development Plan, still remained the development plan for the area. The appeal site is not within a settlement boundary delineated in the UDP and is thus classed as being in the open countryside.
- 5.04 Policy ST1 states that new development will generally be located within existing settlement boundaries and Planning Policy Wales (PPW) specifies that new building in the open countryside must continue to be strictly controlled<sup>1</sup>. Policy HSG4 only permits the construction of new dwellings in such locations where they are essential to house a farm or forestry worker who must live at or very close to their place of work. The proposed dwelling would not meet these criteria, contrary to UDP Policies STR1, HSG4 and PPW.
- 5.05 The Inspector then noted that Policy GEN3 also deals with development in the open countryside. He identified a number of exceptions to the general constraint including the conversion, extension and reuse of buildings; replacement dwellings; small scale infill development of one or two housing units; and development where it is essential to have an open countryside location.
- 5.06 Policy HSG5 provides detail on potential infill development. As well as meeting a proven local housing need it should be located in a small gap within a clearly identifiable small group of houses within a continuously developed frontage. The development proposed here would not be one of these exceptions nor comply with the stipulations of either Policy GEN3 or HSG5.
- 5.07 The Inspector noted that the purpose of restricting development in the open countryside is to protect it from unsustainable development and preserve its rural character. He saw no evidence that the site is within easy reach of everyday services and facilities such as shops, schools, health provision or public transport. Contrary to these objectives, therefore, the erection of a new dwelling in the location proposed would result in more car trips to and from the site. The dwelling together with domestic activities and paraphernalia, the proposal would erode the character of the countryside. Given this, the proposed development was contrary to Policies STR1, GEN3, HSG4 and HSG5 and harmful to the open countryside.

5.08 Turning to the highway issue visibility at the access falls well short of the necessary distances required. The Inspector noted as suggested by the highways officer, further information on existing vehicular movements at the site and a speed survey might demonstrate that the proposed development would not be harmful to highway safety.

## **6.00 CONCLUSION**

6.01 The Inspector found no evidence that the proposed development would be detrimental to highway safety. He noted that the site had a brownfield status, clearly it would be harmful to the open countryside if developed. The Inspector noted that this reason in itself justified refusing the proposed development

### **LIST OF BACKGROUND DOCUMENTS**

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

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