

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **4<sup>TH</sup> MARCH 2020**

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

**SUBJECT:** **CHANGE OF USE OF LAND TO EQUESTRIAN, ERECTION OF STABLES AND FIELD SHELTERS IN RETROSPECT AND PROPOSED ERECTION OF BARN AT HYFRYDLE, MARIAN, TRELAWNYD.**

**APPLICATION NUMBER:** **060357**

**APPLICANT:** **MR GARRY GOODFELLOW**

**SITE:** **HYFRYDLE, MARIAN, TRELAWNYD**

**APPLICATION VALID DATE:** **29<sup>TH</sup> AUGUST 2019**

**LOCAL MEMBERS:** **COUNCILLOR T. ROBERTS**

**TOWN/COMMUNITY COUNCIL:** **TRELAWNYD AND GWAENYSGOR COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER CONCERNS REGARDING IMPACT ON AMENITY**

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

**1.00 SUMMARY**

- 1.01 This is a full application which is part retrospective for the change of use of land to equestrian, erection of stables and field shelters in retrospect and proposed erection of a barn. The application was received following an investigation by Planning Enforcement. The owner then appointed a planning agent who undertook pre-application advice. In the pre-application advice the planning officer provided advice on how the development could be managed to avoid adverse harm upon the living conditions of neighbouring properties, the character and appearance of the area and on the highway.

The application is considered acceptable in policy terms, subject to the site not being used for commercial purposes. It is considered the application will not have a detrimental effect on the living conditions of neighbouring occupiers in the locality, the character and appearance of the area or on the highway network.

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

- 2.01
1. Time limit on commencement
  2. In accordance with approved details
  3. No commercial livery, riding school or any other such use
  4. Burning of waste material associated with the keeping of horses prohibited
  5. Facilities to be provided within the site for the loading, unloading, parking and turning of vehicles
  6. The development hereby permitted shall be used solely as a private stables and shall not be used at any time as a commercial livery/riding school or for any other commercial use.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor T. Roberts

I request this application to be referred to Planning Committee due to resident concerns over impact to amenity.

Trelawnyd and Gwaenysgor Community Council

No objections to the application.

Community and Business Protection

No adverse comments to make regarding this proposal.

Highways Development Control

It is considered that the traffic generation associated with the proposed equine use will be no more onerous than that potentially generated by the former agricultural use.

Natural Resources Wales

No objection to the proposed development as submitted, subject to advice note being provided in respect of protected species and contaminated surface water.

**4.00 PUBLICITY**

4.01 Site Notice and Neighbour Notification

4no. letters of objection received upon the following grounds:

- Impact upon residential living conditions
- The effect upon highway safety
- Detrimental impact upon the character and appearance of the area

## **5.00 SITE HISTORY**

### **5.01 059585**

Application for a lawful development certificate for the existing use of a static caravan as an annexe to the dwelling house.

Granted 26.3.19

### **059557**

Application for a Lawful Development Certificate for an existing use of land as residential.

Granted 26.3.19

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
STR1 - New Development  
GEN1 - General Requirements for Development  
GEN3 - Development in the Open Countryside  
D2 - Design  
L1 - Landscape Character  
AC13 - Access and Traffic Impact

**Planning Policy Wales Edition 10 (December 2018)**

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full application for the change of use of land to equestrian, erection of stables and field shelters in retrospect and proposed erection of barn at Hyfrydle, Marian, Trelawnyd.

This application which is retrospective in nature has been submitted following investigation by the Councils Planning Enforcement Team after a number of complaints were received from neighbouring residents and from the Local Member. To summarise, the complaints received are in relation to the impact on residential amenity from noise, odour, amount and type of vehicles generated by the proposal and subsequent impact upon the highway and harm to the character and appearance of the open countryside.

Particular concerns have been raised over the use of the site for commercial activities relating to the equine use.

When the application was first submitted a larger area of land was included within the application site. The area of land has now been reduced and Area 6 shown on the site plan has been retained as agricultural land. This leaves a buffer between properties on Rose Hill and the application site. The total area of land amounts to 0.994 hectares. Consultations were carried out initially on the larger area of land and a further period of consultation followed upon receipt of the amended site plan.

#### Site Description

The application site is situated in a rural location but is located close to the A5151 London Road. The site is split into 3 parcels of land, identified as Area 1 to the south of Hyfrydle, Area 4 to the west of Hyfrydle and Area 5 to the west of Marian House. The land is relatively flat and each parcel is fairly rectangular and is bound by mature hedging.

There are several residential properties within close proximity to the site and 3 properties in particular which share the same private access road used to access the application site. A further field also in equine use but under different ownership is located to the east of the site and is also accessed from the same private lane.

#### Proposed Development

The retrospective part of the application seeks consent for the erection of 5 stables in Area 1, comprising of a modular block of 3 modern wooden stables located along the western boundary and two older self- build wooden stables located along the eastern boundary, to the north of the site access. A field shelter located near to the southern boundary of Area 4 and a smaller field shelter located close to the western boundary of Area 5 are also in retrospect. A modern barn is proposed to be located within Area 1 to replace an older barn structure. The proposals are for personal use for the applicant only.

#### Background

The application was submitted following involvement by Planning Enforcement in relation to the unauthorised change of use of land and the erection of stables and field shelters. Prior to the submission of the application the applicant sought pre-application advice to avoid detrimental harm to neighbouring residential living condition, impact upon the character and appearance of the area and on the highway.

#### Main Issues

The main issues are the impact of the proposals upon the living conditions of neighbouring occupiers, the character and

appearance of the open countryside location and on the highway network.

#### Principle of Development

The principle of development is considered to be acceptable as ancillary works to support a recreation use in the open countryside. In accordance with FUPD Policy GEN 3 (g). The impact of the development regarding social, natural and the built environment as required by Policy GEN 3 are considered below;

#### Impact on Residential Living Conditions

The representations received raise concerns in relation to the impact of the use of the land and the noise and odour which occur as a result of this use. These matters have been considered in consultation with the Pollution Control Service and due to the small number of stables located on the land it is not considered that this amount will cause detrimental harm to the living condition of the existing neighbours. Land located directly to the east of the site is also used for equestrian purposes and is located in close proximity to the same neighbouring properties and there is no evidence of harm or complaint relating to an existing similar use. The level of equine use proposed to be regularised as part of this application and the existing small scale neighbouring are cumulatively, when considered over both site areas small in scale and therefore it is considered that both uses will not jointly create an issue.

The proposed location of the muck heap has been sited within the south west corner of the land marked Area 1 on the site plan and is well screened by mature hedging. The muck heap has been located away from residential properties and is approximately 45m away from the nearest property, Myrtle Cottage, which is situated to the east. As previously stated Pollution Control have no objection to this proposal.

It is therefore considered that the proposal would not have an impact on the living conditions of neighbouring occupiers and would therefore be in accordance with Policy STR1 and GEN1 of the Flintshire Unitary Development Plan.

#### Impact on the Open Countryside

The site is situated within the open countryside and the proposals submitted are for personal leisure and recreational purposes, which are considered acceptable under policy GEN3, provided that there is no unacceptable impact on the social, natural and built environment. The proposals are also considered acceptable under policy L1 providing that the landscape character is maintained or enhanced.

The applicant proposes to retain the existing mature hedgerows which will retain the character and appearance of the area. This is

particularly prevalent in Area 1 where the hedgerows provide adequate screening for the stables, muck heap and proposed barn when viewed from the north, south and west. The buildings within Area 1 are only visible when viewed from the east, when passing the entrance to the site on the private lane.

The proposed barn is intended to replace an existing barn type structure which is roughly 17m long by 6m wide and 3.8 high. The existing barn type structure has been constructed out of wooden and different forms of metal cladding. The structure appears run down and is considered to be affecting the character and appearance of the area. The replacement barn is proposed to be 13.8m long by 5.10m wide and 3.2m high and will be treated timber construction with steel juniper green sheets on the roof.

The existing field shelter within Area 4 measures approximately 10.6m long by 5.2m wide and 2.8m high and the existing field shelter in Area 5 measures approximately 8m long by 2.9m wide and 2.8m high. Both structures are considered to be small scale and are of wooden construction, which helps the structures to blend in with the local area. The field shelters are therefore considered to have no unacceptable impact upon the natural environment.

The applicant has proposed to carry out further planting on neighbouring land to help screen the proposals. This is not considered necessary by the Council and therefore officer's are not seeking to secure this undertaking with a legal agreement. However if the applicant may pursue this separately if they wish.

It is therefore considered the proposal is in accordance with FUDP Policy GEN 3 and L1.

#### Impact on the Highway

The representations received raise concerns in relation to commercial activity taking place associated with the equine use and the amount and type of traffic generated having a detrimental impact upon the highway network. The application has been assessed by Highways and the information submitted relates to the use of the site for the applicant only and contains no reference to commercial activity. The application has therefore been assessed on this basis and it is considered that the amount of traffic generated by the proposed equine use to be no more onerous than that potentially generated by the lawful agricultural use. On this basis the proposals are acceptable and Highways raise no objection, subject to a condition restricting the use of the site to private use, with no associated commercial or livery aspect. The proposals are in accordance with policy AC13 of the Flintshire Unitary Development Plan.

## **8.00 CONCLUSION**

On balance it is considered that the proposals are acceptable within the open countryside location and the scale and design will have no unacceptable impact on the social, natural and built environment in accordance with policy STR1, GEN1, GEN3 and D2 and will maintain the landscape character of the area in accordance with policy L1. It is considered that the proposals will cause no detrimental impact upon residential amenity in accordance with policy GEN1 and no adverse impact upon the highway in accordance with policy AC13 of the Flintshire Unitary Development Plan.

Having considered the objections received and all other matters I recommend that the application is approved.

### **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

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