

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 18 DECEMBER 2024**

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

SUBJECT: **FUL/000581/24 - FULL APPLICATION - CONVERSION OF 2NO. OUTBUILDINGS TO FORM 2NO. BEDROOM ANNEX ACCOMMODATION TOGETHER WITH DEMOLITION OF A FURTHER 2NO. OUTBUILDINGS AT BRICK KILN ISAF, CAERWYS**

APPLICATION NUMBER: **FUL/000581/24**

APPLICANT: **DAVID CLARKSON**

SITE: **BRICK KILN ISAF, CAERWYS, MOLD, CH7 5BN**

APPLICATION VALID DATE: **14TH AUGUST 2024**

LOCAL MEMBERS: **COUNCILLOR S. COPPLE**

TOWN/COMMUNITY COUNCIL: **CAERWYS TOWN COUNCIL**

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER TO ALLOW FOR OBJECTIONS TO BE HEARD**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the proposed conversion of two outbuildings together with link extension to provide a two bedroom annexe on land at Brick Kiln Isaf, Caerwys.
- 1.02 The scale and form of the proposal, the degree of separation and non-reliance on the services of the main dwelling results in a development that is essentially a new dwelling in the open

countryside. The proposal is considered contrary to policy HN6 of the LDP.

- 1.03 Additionally, the application as submitted fails to demonstrate that the impact of the development on protected species (including bats) can be mitigated against let alone enhanced. The proposal fails to accord with policy EN6 of the LDP.
- 1.04 The application fails to accord with both local and national planning policy and is recommended for refusal for the reasons as set out at paragraph 2.01 of this report.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01
1. The scale and form of the proposed development and the degree of separation from the main dwelling results in a new dwelling in the open countryside contrary to policies HN6 and HN4 of the Flintshire Local Development Plan.
 2. The application as submitted fails to demonstrate that the impact of the development on protected species can be mitigated against or enhanced contrary to policy EN6 of the Flintshire Local Development Plan.

3.00 CONSULTATIONS

- 3.01 Local Member – Councillor S Copple
Requested Planning Committee determination to allow for all relevant material considerations to be reviewed.

Caerwys Town Council

No objections provided the application complies with planning policy and guidance notes.

Community and Business Protection

No objections received

Public Rights of Way

Public Bridleway 34 abuts the site but appears unaffected by the development. PROW advise that the path must be protected and free from interference from the construction.

County Ecologist

Objects to the application due to concerns over the mitigation or enhancement of protected species.

Highways Development Control

No objection subject to the inclusion of a condition relating to the parking and turning of vehicles.

4.00 PUBLICITY

4.01 No immediate neighbours. However, the application was publicised by way of a Site Notice being displayed. No responses received at time of writing.

5.00 SITE HISTORY

5.01 No relevant planning history

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan
STR2- The Location of development
STR4- Principles of sustainable development, design and placemaking
STR13- Natural and built environment, green networks and infrastructure.
PC1- The Relationship of development to settlement boundaries
PC2- General requirements for development
PC3- Design
PC4- Sustainability and resilience of development
HN4- Housing in the countryside
HN6- Annex accommodation
EN4- Landscape character
EN6 – Sites of Biodiversity and Geodiversity Importance

Supplementary Planning Guidance

SPGN 5- Conversion of rural buildings
SPGN 10- New housing in the open countryside
SPGN 11- Parking standards

National Policy

Planning Policy Wales Edition 12
TAN 6- Planning for sustainable rural communities
TAN 12- Design
Future Wales: The National Plan 2040

7.00 PLANNING APPRAISAL

7.01 Introduction

This application seeks planning permission for the proposed conversion of 2no. existing outbuildings with link extension to form a 2 no. bedroom annexe accommodation on land at Brick Kiln Isaf, Caerwys.

7.02 Site Description

The application site extends approximately 0.44 acres in size and is roughly triangular in shape. The site is currently formed of a detached two storey dwelling which is located to the rear of the site. A detached garage and two stone outbuildings are located to the front of the dwelling. Gardens associated with the dwelling are located to the side. The property has a clearly defined curtilage to both the east and west which are identifiable by mature hedges.

7.03 The site is located outside of any defined settlement boundary and is therefore in the open countryside. Any previous agricultural use has long ceased and the site is entirely residential. The property is surrounded on all sides by open countryside with the nearest dwellings located more than 135 metres away.

7.04 Proposed Development

The application proposes to convert two existing detached outbuildings and erect an extension to link both buildings to form a two bedroom annexe. The annexe is proposed with a lounge, kitchen/dining area, two bedrooms (one of which is en-suite) and bathroom. A new porch is proposed on the front elevation.

7.05 The new link building will be constructed utilising stone and slate gathered from the demolition of an existing outbuilding.

7.06 Externally works including the erection of a new storage building, footpath and patio are proposed.

7.07 Principle of Development

The site lies in an open countryside setting, outside any settlement boundary as defined by the Local Development Plan. The proposal is far more than a simple barn conversion and entails extensive redevelopment of two buildings.

7.08 The application states that it is annex accommodation, but it is clearly a single dwelling which will not need to be reliant on the main house, Brick Kiln Isaf, for any facilities. The policy most relevant to this proposal is HN6 Annex Accommodation of the LDP.

7.09 Policy HN6 confirms that annex accommodation will only be permitted subject to strict criteria. Whilst the conversion of an existing building within the curtilage of a dwelling can be supported,

the policy is clear in that its usage must be ancillary to the main dwelling for facilities. In this case, the proposed building is capable of being used completely independently as a separate dwelling. Additionally, the provision of a patio overlooking an enclosed garden provides private amenity space for the proposed annexe which reinforces the degree of separation from the main dwelling.

- 7.10 The applicant contends that the annexe accommodation will be utilised by the applicants mother in law and brother, hence the requirement for two bedrooms. However, the applicant was advised in pre-application advice and the previously withdrawn application that the scale of the proposed development was excessive and was asked for justification as to why a modest extension to the existing dwelling could not accommodate for the needs of the future occupiers. No justification of need has been provided.
- 7.11 In the absence of any form of evidenced need, the proposed development would result in the provision of a separate dwelling, in an open countryside location, contrary to policy HN6 of the LDP.
- 7.12 Additionally, as the proposed development would result in a new dwelling in the open countryside policy HN4 is also applicable. The proposal does not accord with any criteria as set out in that policy and is therefore considered contrary to policy HN4.
- 7.13 Scale and Appearance
Notwithstanding the policy concerns to the proposed development it is considered material to consider the proposed scale and appearance.
- 7.14 The proposed annexe is designed to utilise existing openings where possible with the addition of new windows and bi-fold doors. The new link and porch are proposed with stone facing and slate roof. Whilst the material palette is acceptable, the proposed number and style of openings are considered to be neither sympathetic to, nor harmonise with the existing barn and countryside location.
- 7.15 Additionally, the scale of the proposed development is excessive. The proposed extensions alone represent a 50% increase to the footprint of the existing barns and cumulatively the finished building will have a significant footprint and form a substantial detached dwelling in its own right. The proposed scheme of conversion with the solid link extensions and the addition of a porch, does not retain the simple character and appearance of two small stone outbuildings. Due to its prominent location within the site and fronting the road the proposed building will be highly visible in the location and the site will appear to have two dwellings.

- 7.16 The proposed scale of the development represents a poor design and would unacceptably harm the character of the open countryside location contrary to policies PC2 of the LDP and TAN 12.
- 7.17 Ecological Matters
There are no Statutory or Non Statutory designated sites within the immediate locality of the application site, but the property is situated on an unlit lane, in close proximity to woodland and surrounded by farmland with trees hedgerows and ponds. The woodland and pasture represents high value foraging habitat for bats and increases the likelihood of a bat roost being present. The barns also have potential for nesting birds such as barn owl and swallows.
- 7.18 In line with policy changes applied to Planning Policy Wales Edition 12 an Ecological Appraisal needs to be submitted and provide enough detail to show that Net Benefit for Biodiversity can be achieved. Where biodiversity has not been taken into account and net benefit has not been sufficiently demonstrated then permission must not be supported.
- 7.19 A Preliminary Ecological Appraisal and Preliminary Roost Assessment was undertaken in March 2023 by Arbtech, and submitted with a previous application. The bat survey confirmed the presence of bats in the barns to be demolished / converted and further activity surveys were recommended to confirm species and roost type present. However, the current submission fails to include the above ecological assessment or bat survey nor have any further activity surveys been undertaken.
- 7.20 The lack of ecological information provided means that the application fails to demonstrate that bat roosts will be mitigated, let alone enhanced. The application fails to accord with Policy EN6 of the Flintshire Local Development Plan and PPW12.
- 7.21 Highway Safety
The application proposes to widen an existing access and provide additional parking to accommodate for both the existing dwelling and proposed annexe. Highways Officers raise no objection to the proposal but do recommend that if planning permission be granted that a condition requiring details of the proposed parking and turning facilities be included.

8.00 CONCLUSION

This application proposes the conversion and extension to barns at Brick Kiln Isaf, Caerwys to provide a two bedroomed annexe.

- 8.01 The scale and form of the proposal, the degree of separation and non-reliance on the services of the main dwelling results in a development that is essentially a new dwelling in the open countryside. The proposal is considered contrary to policy HN6 of the Flintshire Local Development Plan.
- 8.02 Additionally, the application as submitted fails to demonstrate that the impact of the development on protected species (including bats) can be mitigated against let alone enhanced. The proposal fails to accord with policy EN6 of the LDP.
- 8.03 The applicant has been advised of the above objections in a previously withdrawn application and prior pre-application advice but the matters have not been resolved in this submission.
- 8.04 The application fails to accord with both local and national planning policy and is recommended for refusal for the reasons as set out at paragraph 2.01 of this report.
- 8.05 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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