

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH SEPTEMBER 2017**

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

SUBJECT: **APPEAL BY MR. PETER BARLOW AGAINST THE
DECISION OF FLINTSHIRE COUNTY COUNCIL TO
REFUSE PLANNING PERMISSION FOR THE
ERECTION OF A REPLACEMENT SHED AT MAES
MYNAN QUARRY, DENBIGH ROAD, AFONWEN –
ALLOWED.**

1.00 APPLICATION NUMBER

1.01 055827

2.00 APPLICANT

2.01 Mr. Peter Barlow

3.00 SITE

3.01 Maes Mynan Quarry,
Denbigh Road, Afonwen

4.00 APPLICATION VALID DATE

4.01 9th August 2016

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision into the refusal to grant planning permission for the erection of a replacement shed at Maes Mynan Quarry, Denbigh Road, Afonwen, Mold, Flintshire, CH7 5UB. The application was refused by delegated powers, with the appeal dealt with by way of written representations and was **ALLOWED**. The Inspector was Clive Sproule.

6.00 REPORT

6.01 Background

This application was refused on 24th October 2016 by delegated powers on the basis that the proposal represented unjustified non-essential development in the open countryside, and thus not maintaining and enhancing the natural beauty of this part of the

AONB.

6.02 Issues

The Inspector considered that the main issues were whether the proposal would be an appropriate form of development in the countryside and the effect of the development on the AONB.

6.03 Development in the Countryside

The Appeal documentation indicated the existing shed to have been built in 1936 to store materials and to service vehicles used in a quarry that has subsequently been worked out. Following this, the shed was used by quarry operators involved in sand and gravel extraction in the wider locality, and the appellant bought the building in 2013.

6.04 The main body of the shed is round topped, faced with corrugated sheeting and partly set into the hillside with land levels rising from the highway next to the shed. There are also flat roofed elements of the structure projecting out from the main part of the shed. The building is in a state of disrepair, which includes glass being missing from its windows, but it was being used for the storage of vehicles when the site visit took place.

6.05 The appellant operates three caravan/leisure parks in the locality and the current storage is associated with his business. The existing shed has a certain rustic charm, but the appellant highlights that various parts of the shed could be replaced without the need for planning permission or approval of, for example, the colour of external sheeting.

6.06 The proposed replacement structure would be of a contemporary design and it would result in a rectangular building with a low pitch roof that would be clad in juniper green box profile sheeting. It would be possible to see the replacement building from the adjacent highway. In comparison to the existing shed, the proposal would appear as a simpler built form with fewer elements contributing to it. It is shown to have one main door and no windows. It would be shorter in overall length and lower in overall height than the various elements of the existing shed, but its bulk would be consistent along its length.

6.07 *Flintshire Unitary Development Plan – adopted September 2011* ('UDP') policy STR1 addresses new development with criterion a. of the policy stating that new development will be "...*generally located within existing settlement boundaries, allocations, development zones and principal employment areas and will only be permitted outside these areas where it is essential to have an open countryside location...*".

6.08 Replacing the existing shed with the proposed structure would be an act of development, and the planning application for the 'new' development to replace the shed led to this appeal. However,

although UDP policy STR1 provides the overall vision for new development in the county, it does not specifically address the replacement of existing structures.

- 6.09 In addition, there would be social benefits from the proposal that would result from the support the replacement building would provide to tourism, leisure and recreation in the wider locality and the employment (and economic activity) that it supports.
- 6.10 Consequently, the appeal proposal would be an appropriate form of development in the open countryside and there would be landscape benefits from the scope of possible planning conditions. Replacing the existing shed necessarily causes it to occur in this open countryside location, and in this respect it is 'essential', and the proposal complies with UDP policy STR1. In addition, the proposal complies with UDP policy GEN3 and the relevant parts of *Planning Policy Wales – 9th edition* ('PPW').
- 6.11 Area of Outstanding Natural Beauty
UDP policy L2 states that development within or affecting the AONB will be permitted only where: it would maintain and where appropriate would enhance the natural beauty, wildlife and cultural heritage and preserve the natural tranquillity of the AONB; and, would be designed to a high standard using traditional materials and planting.
- 6.12 PPW highlights: the primary objective for designating an AONB is the conservation and enhancement of its natural beauty; development management decisions should give great weight to conserving and enhancing the natural beauty, wildlife and cultural heritage of the AONB; and, the duty to have regard to AONB purposes applies to activities affecting the AONB, whether those activities lie within or outside the designated area.
- 6.13 Final comments from the appellant include a screenshot taken from the '*Lle – A Geo- Portal for Wales*' website. The screenshot is of mapping that shows the area of the AONB in the vicinity of the appeal site, and it indicates the appeal site to lie immediately outside and across the road from the AONB. Careful examination of the smaller-scale printed UDP *Main Proposals Map* also confirms the appeal site to lie immediately outside the AONB.
- 6.14 The Clwydian Range and Dee Valley AONB Joint Committee confirmed that it has no objection in principle to the replacement building, subject to the retention of existing trees and shrubs that help to screen the building and it being constructed as proposed.
- 6.15 For the reasons given above, the proposal would be of an appropriate design and its replacement of the existing shed would conserve the natural beauty and tranquillity of the AONB to comply with UDP policy L2 and the relevant parts of PPW.

7.00 CONCLUSION

7.01 For the reasons above, the Inspector considered that the proposed development would comply with UDP policies STR1, GEN3 and L2 and the relevant parts of PPW. All representations in this case have been taken into account and no matters have been found to outweigh the identified lack of harm, conservation of the natural beauty of the AONB and policy compliance. Accordingly, the proposal would be a sustainable form of development and the appeal was **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS

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

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