

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF TWO DETACHED RESIDENTIAL DWELLINGS AT GROOMSDALE COTTAGE, GROOMSDALE LANE, HAWARDEN**

**APPLICATION NUMBER:** **057316**

**APPLICANT:** **MR A MILLS & MS A SAUNDERS**

**SITE:** **GROOMSDALE COTTAGE, GROOMSDALE LANE, HAWARDEN**

**APPLICATION VALID DATE:** **01.08.17**

**LOCAL MEMBERS:** **COUNCILLOR J AXWORTHY**  
**COUNCILLOR D MACKIE**

**TOWN/COMMUNITY COUNCIL:** **HAWARDEN**

**REASON FOR COMMITTEE:** **DEPARTURE FROM THE DEVELOPMENT PLAN**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

- 1.01 This is a full planning application for the erection of two dwellings on land adjacent to Groomsdale Cottage, Groomsdale Lane, Hawarden. The site is in the green barrier and open countryside. No 'very specific circumstances' have been demonstrated to allow inappropriate development to be justified in this location. The proposed development is therefore contrary to national and local planning policy and does not represent sustainable development.

## **2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

- 2.01
1. The proposed development is for residential development on a site outside the settlement boundary in the open countryside and the proposed development does not meet any of the exceptions in Policies STR1, STR4, HSG5 and GEN3 of the Flintshire Unitary Development Plan.
  2. The proposed residential development would constitute inappropriate development in the green barrier and would contribute to the coalescence of settlements and unacceptably harm the open character and appearance of the green barrier contrary to Policies, GEN4 and the requirements of Planning Policy Wales Edition 9. The proposed development would therefore not constitute sustainable development contrary to the principles in Planning Policy Wales.

## **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor J Axworthy  
No response received at time of writing.

Councillor D Mackie  
No response received at time of writing.

Hawarden Community Council  
No objection.

Highways Development Control Manager  
Groomsdale Lane from which access to the dwellings would be derived does not form part of the adopted highway network nor is it likely to be adopted. Therefore, there is no objection and no comments to make on highways grounds.

Public Protection Manager  
No adverse comments to make.

Welsh Water/Dwr Cymru  
As the applicant intends utilising a septic tank facility no comments to make.

Airbus  
No aerodrome safeguarding objection to the proposal.

Wales and West Utilities

There is apparatus along the site frontage. They should be contacted prior to any construction.

Public Open Spaces Manager

A contribution of £1100 per dwelling would be required in lieu of on-site open space.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice and Neighbour Notification

2 objections on the grounds of;

- Loss of privacy to house and garden opposite
- Impact on highway safety
- Impact on light to garden
- Site is in the green barrier
- Outside the settlement boundary
- Loss of trees and hedgerow would impact on rural setting of the area
- Public footpath 113 runs down Groomsdale Lane to public footpaths 114 & 115. The traffic generated by two more dwellings will add to the danger for users of the public footpaths
- An ecological survey should be undertaken
- Impact on wildlife

**5.00 SITE HISTORY**

5.01 None.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR10 - Resources

GEN1 - General Requirements for New Development

GEN3 - Development In the open Countryside

GEN4 – Green Barriers

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

TWH2 – Protection of Hedgerows

WB1 - Species Protection

AC2 – Pedestrian Provision and Public Rights of Way

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG4 – New Dwellings Outside Settlement Boundaries

HSG5 – Limited Infill Development Outside Settlement Boundaries

SR5 - Outdoor Play Space and New Residential Development  
EWP16 – Water Resources  
IMP1 – Planning Conditions and Planning Obligations

Planning Policy Wales Edition 9  
Technical Advice Note 1 Joint Housing Availability Studies 2015

## **7.00 PLANNING APPRAISAL**

### 7.01 Introduction

This is a full planning application for the erection of two dwellings on land adjacent to Groomsdale Cottage, Groomsdale Lane, Hawarden.

### Site Description

7.02 The application site is situated to the south west of the settlement of Hawarden. The site is bounded by a road side hedgerows to the northern boundary. To the west is an existing dwelling known as Groomsdale Cottage. The site is planted with a variety of ornamental trees. Further to the east of the site is Hawarden golf club.

### Proposed Development

7.03 This is a full planning application for 2 five bedroom two storey detached houses with attached garages and driveways.

7.04 The site is promoted as being appropriate for housing development due to the presumption in favour of sustainable development and weight to be attached to increasing housing, as expressed through recent appeal decisions.

### Principle of Development, open countryside and Green Barrier

7.05 The site is located outside the settlement boundary of Hawarden in the adopted UDP and is also within the green barrier GEN4(11).

7.06 In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.

7.07 Policy GEN4 sets out the designated green barriers in the plan area. This only permits development within these areas for specific circumstances. The only form of new housing development permitted in green barriers is criteria d) limited housing infill development to meet proven local housing need or affordable housing exceptions schemes provided that it would not contribute to the coalescence of

settlements and unacceptably harm the open character and appearance of the green barrier.

- 7.08 Notwithstanding policy GEN4 of the UDP, there is considerable guidance on green barriers (wedges) in PPW. This guidance identifies that housing development is 'inappropriate' development within a green barrier and that there is a presumption against such development within a green barrier. Furthermore, para 4.8.15 identifies that there must be '*very exceptional circumstances*' where '*other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge.*'
- 7.09 In terms of site history and context, the site has been promoted for development through the UDP but was not recommended for inclusion within the settlement boundary by the Inspector who commented as follows; (5237 Settlement boundary rep):  
*"The area would extend the urban form into the surrounding countryside and I do not consider it would amount to a rounding off of this part of Hawarden."*
- 7.10 In terms of the green barrier the Inspector commented (17620);  
*"The area between the southern side of Hawarden; the A55 to the south; Ewloe to the west and the A556 to the east has an open landscape. Whilst some of the area that is the subject of this objection has been developed it still retains a generally open character that has more in common with the adjacent countryside than the urban area of Hawarden. Removing this area from the green barrier would weaken its function of safeguarding the countryside from encroachment."*
- 7.11 In terms of allocating the land for housing the Inspector commented 4701 "*...I do not support including the land to the east of this site within the settlement boundary. Amending the settlement boundary to include this land would be an illogical situation. Removing this site from the green barrier would diminish its function of safeguarding the countryside from further encroachment.*"
- 7.12 It is accepted that PPW sets out in paragraph 4.2.2 that a general reference to '*The Planning System provides for a presumption in favour of sustainable development...*'. More detail is offered in para 4.2.4 of PPW whereby in circumstances where the relevant development plan policies are considered outdated or superseded, '*there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development*'.
- 7.13 It is also accepted that an objective of the planning system is to increase the supply of housing land where there is a deficit. Specific advice is set out in para 6.2 of TAN1 '*... the need to increase supply should be given considerable weight when dealing with planning*

*applications provided that the development would otherwise comply with development plan and national planning policies’.*

- 7.14 The site is in the green barrier and open countryside. The circumstances around the inclusion of the site within the green barrier have not changed since the Inspectors report. Having regard to the purpose of the green barrier at this location and the site and surroundings and poor relationship to existing built form, it is considered that the proposal will harm the openness of the green barrier and therefore undermine its purpose. The contribution that the proposed 2 dwellings will make to housing land supply must therefore be judged as to whether it represents the ‘very exceptional circumstances’ specified in PPW for inappropriate development to be justified in a green barrier.
- 7.15 Insufficient justification has been put forward for releasing a site which forms an integral part of a green barrier. The only justification is the lack of a five year land supply. In the absence of such justification for this development proposal it is not considered how it can meet the very exceptional circumstances in PPW. An important principle which has been picked up by Inspectors in a number of recent appeal decisions is that housing land supply does not justify housing on inappropriate sites or in inappropriate locations.
- 7.16 The most relevant appeal decision is 056672 (APP/A6835/A/17/3175048) at Bryn y Baal Road, Bryn y Baal which was for outline residential development in the green barrier adjacent to a Category B settlement. The Inspector concluded that;  
*“The lack of a 5 year supply of housing land, and that the need to increase the supply of housing land warrants considerable weight, provided the development would comply with development plan and national policies. If the site was not located in a green barrier, these arguments would be finely balanced. However, the proposal is for inappropriate development in the green barrier, and PPW advises that such development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm the development would do to the green barrier. That demanding balance would not be achieved in this case, and I conclude that the development would be contrary to development plan and national policy.*
- 7.17 Policy HSG5 infill permits development provided that it meets a proven local need and meets the criteria of the policy. In this case no evidence has been put forward to demonstrate that there is a local need which this dwelling would satisfy. Furthermore it is not considered that the proposal meets with the remainder of the policy. Criterion a of the policy states development may be permitted if it “comprises a small gap within a clearly identifiable group of houses within a continuously developed frontage”. While there is a dwelling

to the west of the site, to the east there is a significant gap before the golf club, which in any event is set back some distance from the road.

- 7.18 No evidence of any identified local housing need for the development has been put forward and therefore there are no exceptional circumstances to outweigh the harm from inappropriate development in the green barrier. It does not meet the requirements of the infill policy and it would unacceptably harm the open character and appearance of the green barrier.

Other Matters

- 7.19 Objections have been raised regarding the impact of the dwellings on the dwelling opposite in terms of privacy. The proposed dwellings would not directly overlook the dwelling opposite due to their siting and the windows are set back 12 metres from the road.

**8.00 CONCLUSION**

- 8.01 The site is in the green barrier and open countryside. No 'very exceptional circumstances' have been demonstrated to allow inappropriate development to be justified in this location. The proposed development is therefore contrary to national and local planning policy and does not represent sustainable development.

8.02 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

**Contact Officer:** Emma Hancock  
**Telephone:** (01352) 703254  
**Email:** [emma.hancock@flintshire.gov.uk](mailto:emma.hancock@flintshire.gov.uk)