

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

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

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

**SUBJECT:** **APPEAL BY LLOYD HOMES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 8 NO. DWELLINGS, GARAGES AND ASSOCIATED ACCESS ON LAND ADJACENT TO LLWYN ONN, LIXWM, HOLYWELL, - DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 056043

**2.00 APPLICANT**

2.01 Lloyd Homes

**3.00 SITE**

3.01 Land adjacent Llwyn Onn,  
Lixwm,  
Holywell

**4.00 APPLICATION VALID DATE**

4.01 26<sup>th</sup> September 2016

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the decision following refusal of planning permission for the full application seeking permissions for the erection of 8 dwellings on land at Llwyn Onn, Lixwm.

5.02 The application was refused by the Chief Officer under delegated powers on the 19<sup>th</sup> January 2017. The appeal was dealt with by means of an exchange of written representations and was DISMISSED. The Inspector was Mr. C. Neild.

## **6.00 REPORT**

6.01 The Inspector considered there to be 3 main issues requiring consideration in this appeal. These were:

1. The locational sustainability of the proposals;
2. The impact of the proposals upon the surroundings and existing amenity; and
3. The weight to attach to the lack of a 5 year housing land supply in the County.

### 6.02 Sustainability

The Inspector noted the open countryside location of the proposed site and noted the policy context for exceptions to the presumption against development within such locations as set out in Policies GEN3 and HSG4 of the Flintshire Unitary Development Plan. He noted that the application did not satisfy any of these exceptions. He observed the relevance of Policy HSG3 to the appeal in so far as it was consistent with Policies GEN3 and HSG4 in requiring new dwellings in Category C settlements to be proven to meet a specific need.

6.03 The Inspector acknowledged that the growth intended over the plan period in Lixwm (0% - 10%) had been achieved and the proposals represented a further growth of 5.7%. He also noted that the plan period had expired. However, he noted that the sustainability principle remains and the location of development in smaller settlements is less sustainable. Whilst noting the lack of a 5 year housing supply, the Inspector based his determination in respect of the locational sustainability of the proposal upon the policies within the UDP and the national policies within Planning Policy Wales.

6.04 The site is not in a sustainable location, being outwith a Category C settlement with poor facility provision. The proposals are not advanced upon the basis of meeting any proven local need and therefore the Inspector concluded the proposals are contrary to the local and national policies which seek to promote sustainable development. Whilst he had regard to another appeal decisions brought to his attention by the appellant, he concluded that the proposals were different and the wider sustainability issues and policies were not commented upon in that case.

### 6.05 Impact upon surroundings and amenity

The Inspector considered both the views on the Council in its reason for refusal in respect of this issue, and the observations offered by third parties. He noted that whilst separation distances between the proposed dwellings and those existing dwellings to the north and east were in accord with the SPG on space around dwellings, he noted that garden depth were short of the 11 metres suggested. Whilst he concluded that the proposals in this regard would give rise to

overlooking and a reduced privacy in relation to that presently enjoyed, he did not consider that the overlooking was unacceptable.

- 6.06 The Inspector had regard to the appellants contention that whilst garden depths were less than the 11 metres suggested within the SPG, and adequate area of amenity space was provided. The Inspector was not persuaded by this argument and concluded that the development, in the context of its surroundings, would have the appearance of being far more intense than neighbouring developments and would therefore be unsympathetic to its surroundings.
- 6.07 He concluded the proposals were cramped and out of character with the site and surroundings to the detriment of neighbouring residential amenity and the visual amenities of the area as a whole, and therefore considered the proposals at loggerheads with the applicable policy context.
- 6.08 5 year housing land supply  
The Inspector accepted that the lack of a 5 year housing land supply was not disputed and noted the appellant's case rested upon the weight to attach to this situation in determining such appeals. He noted the advice within TAN1 in this regard and acknowledged a number of recent appeal decisions where Inspectors had found in favour of such proposals because of a lack of such supply.
- 6.09 However, the Inspector noted that that in those cases, and having regard to their particular circumstances, little or no harm would arise from the proposals in those cases and, there was no conflict with the policies of the development plan.
- 6.10 The Inspector identified in this case that this proposal does not accord with development plan or national policies in respect of locational sustainability and the protection of amenity. He considered that such matters must carry substantial weight in the planning balance and whilst he noted that the lack of 5 year housing land supply carries considerable weight, he concluded that it did not carry sufficient weight to outweigh the conflict with the development plan and national policy.
- 6.11 **Costs Application**  
The appellant sought costs upon the basis that he believed the council had acted unreasonably in not seeking to resolve matters in relation to the second reason for refusal and that as the application was already a re-submission of a previously refused scheme, continued criticism upon these points was unreasonable.
- 6.12 The Inspector noted that in his decision he had agreed with the Council in respect of this reason for refusal and claims the issues could have been resolved were speculative.

- 6.13 He also noted the appellants views that the series of appeal decisions to which he referred pointed to the incorrect interpretation of policy in respect of 5 year housing land supply such that its refusal upon this issue was unreasonable and incorrect.
- 6.14 The Inspector concluded that he had attributed the same relative weight as the Council in respect of this issue and found the appeals decisions referenced to be of little relevance to the circumstances of this appeal case.

## **7.00 CONCLUSION**

- 7.01 For the reasons set out above, the Inspector concluded that the appeal should be **DISMISSED**. Furthermore, he did not accept the appellants claim that unreasonable behaviour had been demonstrated and **REFUSED** the claim for costs.

### **LIST OF BACKGROUND DOCUMENTS**

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

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