

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH FEBRUARY 2018**

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

SUBJECT: **APPEAL BY MR. OWEN McKAY AGAINST THE
DECISION OF FLINTSHIRE COUNTY COUNCIL
TO REFUSE PLANNING PERMISSION FOR THE
ERECTION OF 3NO. 3 BED DETACHED HOUSES
AT 'FORMER CENTRE POINT GARAGE'
DENBIGH ROAD, AFONWEN, NEAR MOLD,
FLINTSHIRE - DISMISSED.**

1.00 APPLICATION NUMBER

1.01 056703

2.00 APPLICANT

2.01 Mr. Owen McKay

3.00 SITE

3.01 Former Centre Point Garage,
Denbigh Road,
Afonwen,
Near Mold,
Flintshire.

4.00 APPLICATION VALID DATE

4.01 6th March 2017

5.00 PURPOSE OF REPORT

5.01 To inform Members of the decision following refusal of planning permission for the full application seeking permission for the erection of 3 No. dwellings at Former Centre Point Garage, Denbigh Road, Afonwen, Near Mold.

5.02 The application was refused by the Chief Officer under delegated powers on the 5th July 2017. The appeal was dealt with by means of an exchange of written representations and was **DISMISSED**. The Inspector was Mr. C. Sproule.

6.00 REPORT

- 6.01 The Inspector identified the main issue for consideration in this appeal to be the whether the proposals represented and appropriate and sustainable form of development in the countryside.
- 6.02 The Inspector noted that the proposals do not comply with Policies GEN3 and therefore, by association, Policy HSG5. He noted the proposals did not constitute infill development as the site did not amount to a small gap in an otherwise continuously developed frontage. He noted the proposal was not providing replacement dwellings and was not advocating dwellings for essential workers. Accordingly he also noted the non-conformity between the proposals and policies HSG4 and HSG6.
- 6.03 The Inspector noted that the UDP plan period had expired. However, he noted that the sustainability principle within PPW remains clear and Policy GEN3 and the other UDP policies are consistent with this. Accordingly he attributed significant weight to policy GEN3 and its underlying strategy insofar as it applies to this case.
- 6.04 The location of development outside of settlements is not considered acceptable in anything other than a limited range of situations. The Inspector considered the location of the site relative to facilities and services in the closest towns and villages but noted that the availability of transport options as an alternative to the car were limited due to the length of journeys involved.
- 6.05 The Inspector observed that policies STR8 and ST10 were entirely consistent with PPW in seeking to promote the re-use of previously developed land (PDL) such the appeal site. However, he noted the PPW makes clear that not all PDL will be considered suitable for development, for example by virtue of location. In this case he did not consider the location unsuitable in itself, rather its unsuitability arose from the failure of the proposals to conform with the policies of restriction in relation to development in the countryside. He therefore concluded the site was an unsuitable PDL site and accordingly the proposals were in conflict with policies STR1 and STR4.
- 6.06 Other Matters
The Inspector noted the arguments in favour of the proposal from the appellants. He did not accept the argument that there was little prospect of the site being re-used to be sufficiently compelling to outweigh the identified policy harm. He also did considered that the remediation of historical land contamination was of limited weight in support of the application. He did not consider the proposals would adversely affect the setting of the nearby listed Pwll Gwyn Hotel.
- 6.07 The Inspector noted that the Council cannot demonstrate a 5 year housing land supply and noted the weight the appellant suggested

should attach to this situation, notwithstanding the conflict with UDP policies. 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.

- 6.08 The Inspector noted that, notwithstanding the weight that a failure to have a 5 year supply of housing land supply attracts, Paragraph 6.2 of TAN1 makes quite clear that the weight attaches;

“...provided that the development would otherwise comply with the development plan and national planning policies..”

He noted that the proposals were in conflict with the identified policies and therefore, whilst the scheme would undoubtedly contribute 3 houses to land supply, this only attracted limited weight in his consideration.

- 6.09 In respect of the cited appeal cases in support of the appellants contention, the Inspector noted that there were significant differences in respect of the locational context between those sites and the appeal site and observed nonetheless that each application should be considered upon its own merits and other appeal decisions did not act as a precedent in this case.

7.00 CONCLUSION

- 7.01 The Inspector concluded that this proposal does not accord with development plan or national policies in respect of locational sustainability. He considered that this matter must carry substantial weight in the planning balance and concluded that the lack of a 5 year supply of housing did not carry sufficient weight to outweigh the conflict with the development plan and national policy. Accordingly he concluded that the proposal did not amount to sustainable development.

- 7.02 For the reasons set out above, the Inspector concluded that the appeal should be **DISMISSED**.

LIST OF BACKGROUND DOCUMENTS

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

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