

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **5TH SEPTEMBER 2018**

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

SUBJECT: **APPEAL BY MR. J. WOODCOCK AGAINST THE REFUSAL OF PLANNING PERMISSION BY FLINTSHIRE COUNTY COUNCIL FOR THE USE OF LAND AS A TOURING CARAVAN SITE AT STAMFORD WAY FARM, STAMFORD WAY, EWLOE – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 057681

2.00 APPLICANT

2.01 Mr. J. Woodcock

3.00 SITE

3.01 Land opposite Stamford Way Farm
Stamford Way
Ewloe
Flintshire
CH5 3BZ

4.00 APPLICATION VALID DATE

4.01 20TH October 2018

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following the refusal to grant planning permission for the use of land as a touring caravan site at land opposite Stamford Way Farm, Stamford Way, Ewloe by the Local Planning Authority.

5.02 The decision to refuse planning permission was made by the Chief Officer under delegated powers on 7th February 2018.

5.03 The appointed Planning Inspector was Mrs. S. Worden. The appeal was determined via the Written Representations method and was **ALLOWED**.

6.00 REPORT

6.01 The Main Issues

The Inspector noted the basis for the refusal of the application by the Local Planning Authority. She also noted matters referenced by interested parties and concluded that the main issues for consideration in this case were:

1. whether the proposal would be inappropriate development in the Green Barrier; and
2. whether the harm by reason of inappropriateness, and any other harm, would be outweighed by other considerations and if so, would this amount to the very special circumstances required to justify the proposals.

6.02 The Inspector considered the question of openness. She identified that openness is considered to the absence of development, but also noted the visual component to the determination of the same. She noted that whilst the site itself, the roadway and the pitches (being laid to grass) would not be clearly visible within the landscape, the site when in use and occupied by up to 60 vehicles, would. Accordingly, she concluded that the proposals would not maintain the openness of the green barrier.

6.03 The Inspector noted the context of the site and the fact that the proposals formed part of a larger (approved) scheme for the site in connection with a fishery business. She noted that whilst the scheme would not be densely developed with buildings and would have generally naturalistic features, it would nonetheless have an engineered and managed character and appearance which would mark it out from the surrounding landscape. However, she concluded that the appeal proposals did not encroach into the countryside to any greater extent than that permitted previously.

6.04 On balance however, the Inspector considered that as the proposals did not maintain openness within the Green Barrier, they therefore amounted to inappropriate development as defined within PPW.

6.05 The Inspector then turned to consider the conformity of the proposals with UDP policies. She considered that the proposals were not in conflict with policies STR7 or GEN4 as they did not contribute to settlement coalescence and considered it part of an essential facility for sport and recreation, noting the connection with the fishery business. She noted the landscaping proposed and concluded therefore that the proposals would not unacceptably harm the character or appearance of either the open countryside or Green

Barrier more particularly.

- 6.06 The Inspector also had regard to other issues in coming to her decision. She considered the use of the caravan site in connection with the fishery business to be a benefit to the business and considered the condition to restrict occupation to those using the fishery would result in reduced car journeys. She considered touring caravans to have a lesser visual impact than static caravans, noting the lesser requirement for infrastructure. She also considered the scheme had the potential to generate economic benefits for surrounding local businesses.

Other Matters

- 6.07 The Inspector noted the views of a previous Inspector who had dismissed an appeal for the wider scheme at this site but concluded that the assessment of the inappropriateness of the scheme was different as a consequence of development subsequently permitted by the LPA. She also considered the scheme did not result in the loss of BMV and noted there was no highway objection and concluded that the scheme would not affect alleged traffic problems within Northop Hall village.

Conditions

- 6.08 The Inspector considered the conditions suggested by the Council, together with the guidance in Welsh Government Circular 016/2014. She concluded the conditions suggested by the parties were appropriate and accordingly imposed the same. She considered the conditions requiring the restriction on caravan numbers, use and type to be necessary to protect the Green Barrier. However, she did not consider a condition to restrict the occupancy period of caravans to 11 months in a year and therefore declined to impose the same. The Inspector also imposed conditions related to Great Crested Newt protection and mitigation, together with other ecological matters.

7.00 CONCLUSION

- 7.01 The Inspector took the view that whilst she found the proposals would amount to inappropriate development within a Green Barrier by failing to maintain openness and noted the presumption against such development, she considered there to be significant other considerations which clearly outweighed the minor harm. Consequently she concluded that very exceptional circumstances exist to justify the proposals.
- 7.02 Accordingly, for the reasons given above, the Inspector concluded that the appeal should be **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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