

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **5<sup>TH</sup> DECEMBER 2018**

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

**SUBJECT:** **APPEAL BY MR. P. MALLEN AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE FROM AGRICULTURAL LAND TO VEHICLE STORAGE COMPOUND TO THE REAR OF EXISTING MOTOR AUCTION FACILITY AT QUEENSFERRY MOTOR AUCTIONS, STATION ROAD, QUEENSFERRY – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 056267

**2.00 APPLICANT**

2.01 Mr. P. Mallen – Wilsons Auctions Limited

**3.00 SITE**

3.01 Queensferry Motor Auctions  
Station Road  
Queensferry  
Flintshire  
CH5 2TB

**4.00 APPLICATION VALID DATE**

4.01 25<sup>th</sup> November 2016

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of a decision in respect of an appeal, following the decision of the Local Planning Authority, under delegated powers, to refuse to grant planning permission for the change of use of agricultural land to a vehicle storage compound upon land to the rear of the existing motor auction facility at Queensferry Motor Auctions,

Station Road, Queensferry, Flintshire.

The appointed Planning Inspector was Mr. C. Nield. The appeal was determined via the Written Representations method and was DISMISSED

## **6.00 REPORT**

### **6.01 The Main Issues**

The Inspector noted that the Local Planning Authority refused the application upon grounds of flood risk and character and amenity impacts. Accordingly the Inspector considered the main issues to be;

- i) whether the development would be at significant risk of flooding and whether it would satisfy the TAN15 justification tests for less vulnerable development in a flood zone C1; and
- ii) whether the development would affect the character and amenity of the area.

### **6.02 Flood Risk**

The Inspector noted the context of the site and its surroundings; its location of the site within a C1 flood zone and identified that residential development within such areas is defined within TAN15 as highly vulnerable development.

6.03 He noted the presumption against unjustified development in such locations, as set out in PPW and the guidance set out in TAN15. In particular he noted the tests set out within 6 and 7 which identifies that development will only be justified where it can be demonstrated that (in the context of the appeal proposal);

- a) the development is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; and
- b) it concurs with the aims of PPW and meets the definition of PDL (Previously Developed Land); and
- c) the potential consequences of a flooding event have been considered and found to be acceptable.

6.04 In respect of the first test he noted the appellants' arguments that the development would align itself with the aims of the Deeside Enterprise Zone, The Flintshire Regeneration Strategy 2009-2020 and drew support from the Flintshire Unitary Development Plan. However, the Inspector noted that the site did not constitute PDL, being agricultural land and therefore considered the test in this regard was not satisfied.

6.05 He considered the flooding consequences and noted that whilst the

site was within an area defended by the River Dee embankments, the Flood Consequences Assessment had failed to take account of a flood as a consequence of the defences being breached. The Inspector noted that in such a circumstance, the speed of inundation from flood waters would be rapid and the depth of flood waters in excess of 2 metres. Accordingly he concluded the test in this regard was not satisfied.

6.06 The Inspector concluded upon the issue of flood risk that the proposals failed to meet the justification tests and failed to demonstrate that the risks and consequences of the same would be acceptable. Consequently the proposals were in conflict with the guidance set out in TAN15 and policies GEN1 and EWP17 of the Flintshire Unitary Development Plan.

6.07 **Character and Amenity**

The Inspector noted the location of the site within an area of open countryside. He noted its current use as grazing land and noted that whilst the site is bounded by development on 2 sides and screened on 3 sides, the encroachment of development on the 4<sup>th</sup> side would be harmful to the character and amenity of the wider area. He concluded upon this issue that the proposals would be contrary to policies Gen3, EM4 and EM5 of the Flintshire Unitary Development Plan.

**7.00 CONCLUSION**

7.01 The Inspector considered the proposals failed to accord with the identified UDP policies and national guidance in respect of both issues. Accordingly, because of this failure to comply with these policies, the weight derived from other policies which seek to facilitate the expansion of existing businesses to the benefit of the local economy does not outweigh the harm and policy conflicts identified. Accordingly he **DISMISSED** the appeal.

**LIST OF BACKGROUND DOCUMENTS**

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

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