

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **10<sup>TH</sup> JUNE 2020**

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

**SUBJECT:** **GENERAL MATTERS - OUTLINE APPLICATION FOR THE ERECTION OF AN AGRICULTURAL WORKERS DWELLING AT MAES ALYN FARM, LOGGERHEADS ROAD, CILCAIN.**

**1.00 APPLICATION NUMBER**

1.01 059568

**2.00 SITE**

2.01 Maes Alyn Farm, Loggerheads Road, Cilcain.

**3.00 APPLICATION VALID DATE**

3.01 8<sup>th</sup> February 2019

**4.00 PURPOSE OF REPORT**

4.01 To update the Planning Committee with regard to the current position regarding the Section 106 Obligation /associated planning conditions to be imposed on the above development, following the committee resolution on 4<sup>th</sup> December 2019 to grant permission under 059568 for an agricultural workers dwelling.

**5.00 REPORT**

5.01 Members will recall that this application was considered at the Planning Committee held on 4<sup>th</sup> December 2019. It was resolved at this meeting to grant permission for the development. The occupation and land transfer was to be secured via an appropriate S106 Obligation ( if necessary ) and associated planning conditions delegated to the Chief Officer to determine, in liaison with the applicant and local member. A report on the S106/ suggested planning / occupancy conditions was to be brought back to the Planning Committee for approval.

- 5.02 In the intervening period since December 2019, the applicant's agent has provided documentary evidence from solicitors acting on behalf of the applicant, to confirm that the applicant (Mr S Griffiths) is now the main partner in the farm business, holding a controlling interest with a 51% share. In these circumstances, there is considered no need for a legal obligation to be entered into in this respect to control formal transfer of the business to the applicant, as this has now been satisfactorily secured.
- 5.03 There remains however, a need to supplement this through the imposition of conditions on the associated planning decision certificate, in order to control the appearance of the proposed dwelling and occupation of both the dwellings on site which form part of the farm unit.
- 5.04 Technical Advice Note 6 – Planning for Sustainable Rural Communities ( Paras 4.13.1 – 4.13.3 ) does promote the use of planning conditions to control the occupancy of rural enterprise dwellings, and it is possible to widen the condition to ensure that occupation of both existing/future dwellings on the enterprise can be controlled
- 5.05 Having regard to the above, it is considered that a suite of conditions worded as follows, would be acceptable to control the appearance of the proposed dwelling the subject of this application and occupancy of the dwellings within the farm unit :-
1. *Details of the , appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development commences and the development shall be carried out as approved.*
  2. *(i) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission*  
*(ii) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.*
  3. *No development shall commence until details of the materials to be used in the construction of the external walls and roofs of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

4 *“The occupancy of the existing and proposed dwellings on the enterprise shall be restricted to those:*

*a) solely or mainly working or last working on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;*

*b) who would be eligible for consideration for affordable housing under the local authority’s housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either (a) and (b);*

*c). widows, widowers or civil partners of the above and any resident dependants.*

*5 No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority details of existing and proposed site and finished floor levels of the buildings. Development shall be carried out in accordance with the approved details.*

## **6.00 RECOMMENDATION**

- 6.01 That in determination of this application and in line with the resolution of Members at the Planning Committee on 4<sup>th</sup> December 2019 the suite of conditions referenced in paragraph 5.05 of this report be accepted and imposed on the decision certificate to be issued under 059568.

### **LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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