

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 31 MARCH 2021**

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

SUBJECT: **061974 - FULL APPLICATION -
RETENTION OF RESIDENTIAL
DWELLING AS BUILT AND
PROPOSED COMPLETION OF
DWELLING AT PEN UCHAF FARM,
PEN Y CEFN ROAD, CAERWYS,
MOLD**

APPLICATION NUMBER: **061974**

APPLICANT: **Mr Luke Francis**

SITE: **Pen Uchaf Farm,
Pen Y Cefn Road,
Caerwys,
Mold,
Flintshire
CH7 5BH**

**APPLICATION VALID
DATE:** **26th October 2020**

LOCAL MEMBER: **Councillor T Jones.**

**TOWN/COMMUNITY
COUNCIL:** **Caerwys Town Council.**

**REASON FOR
COMMITTEE:** **Local Member Request - Supports
Application. In that it will visually
improve the area; not be isolated
development; provide a local family
with a home; and its location is a
sustainable development.**

SITE VISIT: **No.**

1.00 SUMMARY

1.01 This application is for the retention of a new residential dwelling at Pen Uchaf Farm Barn, Pen Y Cefn Road, Caerwys.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

1. The Local Planning Authority considers that the proposals would be tantamount to the erection of a new dwelling in the open countryside, where there is a general presumption against unjustified development of this nature. Accordingly, the proposals are considered to be contrary to policies STR1,STR4, GEN3 and HSG4 of the Flintshire Unitary Development Plan.
2. It would lead to a sporadic form of development within the open countryside and within this part of The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, giving rise to a significant adverse impact upon the character and appearance of the area, thereby not maintaining and enhancing its natural beauty nor preserving its natural tranquillity. The proposals are therefore contrary to policies GEN1, D2 and L2 of the Flintshire Unitary Development Plan.
3. The proposals represent a form of development which is does not amount to sustainable development and, given its location distant from suitable public transport and local services, is therefore contrary to the principles which are the basis for the guidance contained within Planning Policy Wales Edition 11 February 2021 and would also be contrary to the requirements of Policies STR1 and GEN1 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS.

3.01 Local Member

Councillor T Jones:

Requests Committee determination and supports the proposal on the following summarised grounds:

- Photographic record shows the whole building has not been demolished. A substantial part of the original building remains. Ruin has blighted this rural site for many decades. The development will blight the area for years to come.
- The JAC of the AONB do not object to the granting of planning permission.

- The proposal would not lead to an isolated form of development given that there is a dwelling opposite the barn and a further 18 dwellings within a radius of less than 1000m. The development of this property does not add any additional footprint to the countryside. It is also very close to the very large Maes Mynan Holiday Park.
- It will provide a home for a young local family which the community is in need of.
- The development is sustainable given that there are daily bus services from Caerwys to Holywell, Denbigh and Mold and the experimental bus service has operated in this area for approx. 2 years servicing the rural nature of the area. There is a proposed dial a ride service. Nearest virtual bus stop proposed is 3200m away. Such a distance is within normal walking distance. Barlow's Caravan Site provides a retail outlet for those residents in the surrounding Pen Y Cefn and Plas Pen Ucha area.

Caerwys Town Council:

Subject to compliance with the Development Plan, no objections raised.

Highways Development Control

Recommends that any permission to include a suggested condition in relation to the provisions of parking and turning facilities.

Community and Business Protection

No adverse comments to make.

Dwr Cymru Welsh Water:

As the applicant intends utilising a private treatment works, advise the applicant contacts NRW who may have an input into in the regulation

Natural Resources Wales:

Do not consider that the proposed development affects a matter listed in their Consultation Topics.

Clwyd- Powys Archaeological Trust:

Have been in touch with the applicant who has explained that the barn collapsed before a full photographic survey could be undertaken. In this case, have advised that they will accept the submitted images on the basis that this is all that is available.

Clwydian Range and Dee Valley AONB Joint Committee:

Submitted observations are summarised below as being:

- Disappointed that the original building has had to be demolished and a new replacement dwelling is under

construction. Providing the replacement dwelling replicates the character and appearance of the original building and approved scheme of conversion, no objection in principle to the proposals.

- Suggests that the traditional painted timber windows, doors and cast iron or aluminium rainwater goods would better reflect the traditional character of the building in place of the proposed UPVC units. New stonework should be traditionally finished local stone and facing brick of the shippon extension should be carefully selected reclaimed local brick to reflect the building's original character. No details of external lighting are shown, but recommends a condition requiring submission of further details of any external lighting to ensure it is designed and specified to conserve the AONB's dark sky and nocturnal wildlife.
- Recommends that the new residential curtilage should be enclosed with a traditional hedge comprising native local species and selected trees to help integrate the new dwelling into its rural setting. Permitted development rights should also be withdrawn.

SP Energy Networks:

Have plant and apparatus in the vicinity of the site. Applicant be advised of this.

Airbus:

No aerodrome safeguarding objection to the proposal.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification:

No responses received to date.

5.00 SITE HISTORY

5.01 **057125**

Conversion of an existing redundant stone barn and rebuilding of existing brick shippon into a single dwelling.
Granted 4th August 2017.

056751

Change of use of redundant agricultural barn into a single dwelling.
Withdrawn 17th May 2017.

054118

Application for a Prior Notification for the erection of a portal framed agricultural building.
Prior Approval Not Required 25th August 2015.

054035

Application for prior notification of proposed telecommunications development

Granted 1st September 2015.

98/01299

Cellnet Installation

Granted 14th December 1998.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan:

Policy STR1 New Development.

Policy STR4 Housing.

Policy GEN1 General Requirements for Development.

Policy GEN3 Development in the Open Countryside.

Policy D1 Design Quality, Location and Layout.

Policy D2 Design.

Policy D3 Landscaping.

Policy D4 Outdoor Lighting.

Policy L1 Landscape Character.

Policy L2 Area of Outstanding Natural Beauty.

Policy HE7 Other Sites of Lesser Archaeological Significance.

Policy HE8 Recording of Historic Features.

Policy HSG4 New Dwellings Outside Settlement Limits.

Policy HSG7 Change of Use to Residential Outside Settlement Boundaries.

Policy AC13 Access and Traffic Impact.

Policy EWP12 Pollution.

Supplementary Planning Guidance Notes

SPGN No.3 Landscaping.

SPGN No.4 Trees and Development.

SPGN No.5 Conversion of Rural Dwellings.

SPGN No.10 New Housing in the Open Countryside.

SPGN No.11 Parking Standards.

SPGN No.27 Archaeology.

National Planning Policy & Guidance:

Planning Policy Wales Edition 11 February 2021.

Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010).

Technical Advice Note (TAN) 12: Design (2016).

7.00 PLANNING APPRAISAL

7.01 The Site

The site did comprise the former limestone wall and natural slate roof barn, attached brick built shippon and part hardstanding yard area of Pen Uchaf Barn, Pen Y Cefn Road, Caerwys.

- 7.02 The site is in the open countryside and Area of Outstanding Natural Beauty and is surrounded by pastureland interspersed with hedges and trees with Pen Y Cefn Road being narrow, single width, unlit and without pavements.
- 7.03 The nearest settlement of Caerwys is located approximately 1400m away to the East, which has a limited range of services, facilities and employment opportunities.
- 7.04 The towns of Holywell and Denbigh which are considered to offer a more substantial range of services, facilities and employment facilities lie approx. 8km to the North East and approx. 8km to the South West of the site respectively

The Proposal

- 7.05 The application is retrospective for the retention of works and continuation of development in connection with the erection a new dwellinghouse.
- 7.06 The proposals involve the retention of the existing walling of the structures already built, their completion together with their roofs to form a detached, two storey with an attached single storey extension (the former shippon), to form a four bedroom dwelling. The dwelling when completed will measure approx. 24m x 6m x 8.5m (height to ridge) and constructed within limestone walls and a natural slate roof. The element of the new dwelling in the position of the former attached brick shippon, when completed will measure approx. 13m x 6m x 4.3m (height to ridge) and constructed within red brick walls with a natural slate roof.

Background

- 7.07 The site has a background which is significant for members to be aware of.
- 7.08 Planning permission reference 057125 was granted on 4th August 2017 under delegated powers for conversion of an existing redundant stone barn and rebuilding of the attached into a single dwelling.
- 7.09 This application was determined using relevant Unitary Development Plan (UDP) Policy HSG7. This policy relates to the change of use to residential outside settlement boundaries. There are a number of criteria which are relevant to Policy HSG7 and the proposal at that time meet criteria a) as the building has been advertised for some time for use without success. The proposal also met the secondary criteria that the building was structurally sound and capable of conversion without extensive rebuilding.
- 7.10 In 2019 a planning enforcement complaint was received. This was investigated. Please see pictures Env SV 1 Pics 1 – 7 which demonstrate what was on site at 25th September 2019 date when the

site was first visited. The applicant was advised to cease works at this time. The site was visited again on 10th October 2019 and photos Enf SV 2 PIC.1 to 11 inclusive illustrate that works were continuing. Accordingly the Council served a Planning Contravention Notice seeking information in relation to the breach of planning control at the site.

7.11 As has been established from the investigation and as clearly indicated upon the photographs referenced above, that the barn had been demolished entirely and rebuilt to what is now in situ (see pictures SV 1- 7 inclusive).

7.12 The occupier was not invited to submit a planning application, but nonetheless, choose to submit an application in an attempt to regularise the unlawful works.

Main Issues

7.13 As the barn no longer exists this application is for a new dwelling in the open countryside and as such Policy HSG4 is now relevant.

7.14 Therefore the main issues to be considered whether this development is acceptable in the open countryside and an Area of Outstanding Natural Beauty.

7.15 Principle of Development

The site is located outside of any settlement boundaries and within the open countryside as defined by the Flintshire Unitary Development Plan. Due to this location and the nature of the development being the erection of a new dwelling, policies STR1, GEN3 and HSG4 are applicable in this case. These policies together with national planning policy guidance, essentially restricts this form of development outside of settlement boundaries and within the open countryside.

7.16 STR1 is the strategic policy which directs all new development to within settlement boundaries, allocations, development zones and principle employment areas and will only be permitted outside these areas where it is essential to have an open countryside location. The policy aim is to ensure the development of sustainable communities, high quality design and minimize adverse impacts on the physical, social and environment of the area. The proposals are located outside of all the areas referred to above and is therefore clearly contrary to this policy.

7.17 GEN3 advises that outside settlement boundaries or other development allocations and designations, land is considered as being in the 'open countryside' and because of the need to protect the countryside from unsustainable development, new development in general will not be permitted, unless the development falls into a category contained in a list of 10 exceptions. The proposal does not

comply with any of the exceptions identified in (a) to (j) accompanying Policy GEN3.

- 7.18 HSG4 states that new dwellings outside settlement boundaries will only be permitted where it is essential to house a farm or forestry worker who must live at or very close by to their place of work and not in a nearby dwelling or settlement. Neither the applicant nor the agent have stated that the dwelling is for such a purpose.
- 7.19 The above policies together with those Nationally in Planning Policy Wales Edition 11, place a strong emphasis on strictly controlling the development of new dwellings in the countryside away from existing settlements such as in this case. It is considered therefore that sporadic uncontrolled development such as this in the open countryside would destroy its rural character and therefore, only limited exceptions will be permitted.
- 7.20 Therefore, the development may only be permitted in very specific circumstances. The applicant nor the agent have not provided any justification for this dwelling to accord with the exceptions allowed.
- 7.21 Planning Policy Wales Edition 11 and Policy GEN3 of the Adopted Flintshire Unitary Development Plan requires that development of sites in the open countryside must only be considered in exceptional circumstances. PPW goes onto discuss that development should be located within existing urban areas or areas which are, or can be, easily reached by walking or cycling, and are well served by public transport.
- 7.22 It is considered that the site is poorly linked to the limited services available at the nearby settlement of Caerwys in terms of safe accessible pedestrian routes and the absence of easily accessible public transport links within the vicinity of the site.
- 7.23 Accordingly, as a matter of policy principle, the proposal to erect a new dwelling in the open countryside is contrary to both the national and local planning policies, as referenced above and is therefore unacceptable in policy terms.
- 7.24 Character and Appearance:
Members are advised that the original barn which stood on this site measured approx. 23m x 6m x 4.2m (height to ridge). The floor space of this building, including the brick shippon attached to the rear amounted to some 224.75m². The dwelling permitted to be formed via the conversion of this barn (permitted under Ref: 057125) measured 23m x 6m x 8m (height to ridge) and provided total floorplate, including the first floor to be created within the stone barn, of 354m². The proposals which are the subject of this application provided for a main part of the dwelling measuring approx. 24m x 6m x 8.5m (height to ridge) and providing a floor space of 375m².

- 7.25 The proposed development is considered to be large in size and scale, introducing a larger amount of built form than that previously considered acceptable via the conversion of the existing barn. It is also an unjustified form of development in the open countryside which is also within part of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, with the site located in a particularly visible position alongside this Western side and brow of Pen Y Cefn Road.
- 7.26 Surrounding the site lies pastureland interspersed with hedgerows and trees. Opposite the site lies the two storey dwelling of Pen Uchaf. This in turn is surrounded by pastureland interspersed by hedgerows and trees.
- 7.27 Although the development would replace the buildings that were once upon site, given that they were demolished, in planning policy terms, the proposal constitutes a new dwelling in the open countryside with the added protection of it being located within part of The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty whereby it needs also to maintain and where appropriate enhance the natural beauty, wildlife and cultural heritage and preserve the natural tranquillity of it. The barn was a traditional stone wall and slated building was typical of the vernacular of historic agricultural buildings in this rural area, the barn being one of many sitting in the wider landscape of the area.
- 7.28 As highlighted in paragraph at 7.24, the dwelling proposed in this application therefore represents the introduction of a larger amount of built form than that previously in existence on the site, or than that permitted to be created through conversion. As such it will appear as a visually discordant form of development within this landscape.
- 7.29 To conclude, therefore given the nature of the development in that it is a new unjustified dwelling in the open countryside and within part of the AONB, and positioned in a prominent location, it represents a form of sporadic development having a significant detrimental impact upon the character and appearance of the countryside which also does not maintain and enhance the natural and preserve the natural tranquillity of this part of The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.
- 7.30 Other Matters:
Whilst it is acknowledged that planning permission was granted for conversion of the dwelling, and the LPA has had regard to the fact that if implemented correctly by the applicant would have resulted in a dwelling, the conversion would have represented a sustainable form of development, being the re-use of an existing building and all of the resources contained therein compared to the wholly new build development proposed.

7.31 In terms of the comments made in support of the proposals by Councillor Jones, I advise as follows;

- 1) The pictures and evidence from the enforcement site visit referred to above and the admission from the applicant show that the building has been entirely demolished. Therefore the proposal is entirely a new development and not a re-use.
- 2) The comments from Natural Resources Wales are noted and have been weighed into the planning balance in making this recommendation.
- 3) The existing pattern of development is consistent with the character of the rural landscape. Policy HSG5 of the Flintshire Unitary Development Plan is the relevant policy that deals with infill development outside settlement boundaries. This states that;

Outside settlement boundaries infill development for one or two housing unit(s) may be permitted, provided that the proposal is to meet a proven local housing need and:

- a) comprises a small gap which is not an important landscape, nature conservation, historic or other amenity feature within a clearly identifiable small group of houses within a continuously developed frontage;*
- b) does not constitute, or extend existing, ribbon development which would be detrimental to the character and appearance of open countryside, and does not create fragmented development; and*
- c) respects adjacent properties and the surrounding area in terms of its siting, form, design and scale, and does not represent overdevelopment of the site.*

Neither the applicant nor the agent has not put forward any evidence to demonstrate that the proposal is to provide a proven local housing need.

The dwelling is situated upon its own on the western side of Pen Y Cefn Road and therefore does not comprise of a small gap of houses within a continuously developed frontage.

Its' position, being situated on its own therefore creates a fragmented development.

This proposal, by virtue of it being large in size and scale does not respect the adjacent original farmhouse opposite.

Given the above, the proposal does not comply with policy HSG5 and is not therefore infill development.

- 4) As stated above, no evidence has been put forward by the applicant or their agent to demonstrate how the proposal meets a local housing need. Indeed the nature and scale of the proposal i.e. a large, detached, four bedroomed dwelling is not representative of an affordable dwelling.
- 5) The development is not considered to be in a sustainable location given that the nearest settlement is Caerwys, which has a limited range of services, facilities etc and is only reached by narrow, unlit country roads which are devoid of pavements and any occupier would be largely dependent on the use of a private motor vehicle.

8.00 CONCLUSION

This proposal represents wholly unjustified residential development in the open countryside, contrary to National and local policy and no material considerations outweigh the strong established planning policy presumption against development of this form in locations such as this.

Other Considerations

- 8.01 The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.
- 8.02 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.04 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Alan Wells
Telephone: 01352 703255
Email: alan.wells@flintshire.gov.uk