

To: Chair and Members of the Planning Committee

Date: 29 September 2020

Direct Dial: 01824 712589

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Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 AM** on **WEDNESDAY, 7 OCTOBER 2020**.

PLEASE NOTE: DUE TO THE CURRENT RESTRICTIONS ON TRAVEL AND THE REQUIREMENT FOR SOCIAL DISTANCING THIS MEETING WILL NOT BE HELD AT ITS USUAL LOCATION. THIS WILL BE A REMOTE MEETING BY VIDEO CONFERENCE AND NOT OPEN TO THE PUBLIC.

Yours sincerely

G Williams
Head of Legal, HR and Democratic Services

AGENDA

1 APOLOGIES (Pages 3 - 14)

2 DECLARATIONS OF INTEREST (Pages 15 - 16)

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES (Pages 17 - 26)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 02 September 2020 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEM 5) -

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) received since publication of the agenda which related to particular applications.

5 APPLICATION NO. 21/2019/1032/ PF - THE PADDOCK - LLANFERRES - MOLD (Pages 27 - 48)

To consider an application for the erection of an extension to existing domestic ancillary building, formation of access track to serve the domestic ancillary building and associated works (Partly retrospective)at The Paddocks, Llanferres, Mold (copy attached).

MEMBERSHIP

Councillors

Councillor Joe Welch (Chair)

Councillor Alan James (Vice-Chair)

Mabon ap Gwynfor
Ellie Chard
Ann Davies
Peter Evans
Brian Jones
Tina Jones
Gwyneth Kensler
Christine Marston
Melvyn Mile

Bob Murray
Merfyn Parry
Paul Penlington
Pete Prendergast
Peter Scott
Tony Thomas
Julian Thompson-Hill
Emrys Wynne
Mark Young

COPIES TO:

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WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED – Virtual arrangements June 2020

Unless the Chair of the Committee advises to the contrary, the order in which the main items will be taken will follow the agenda set out at the front of this report.

General introduction

The Chair will open the meeting at 9.30am and welcome everyone to the Planning Committee.

The Chair will ask if there are any apologies for absence and declarations of interest.

The Chair will invite Officers to make a brief introduction to matters relevant to the meeting.

Officers will outline as appropriate items where we have received requests for deferral, withdrawals, special reports, and any Part 2 items where the press and public may be excluded. Reference will be made to additional information prior to the start of the meeting, including the late representations/amendments summary sheets ('Blue Sheets') and any supplementary or revised plans relating to items for consideration.

The Blue Sheets' contain important information, including a summary of material received in relation to items on the agenda between the completion of the main reports and the day before the meeting. The sheets also set out the proposed running order on planning applications.

In relation to the running order of items, any Members seeking to bring forward consideration of an item will be expected to make such a request immediately following the Officer's introduction. Any such request must be made as a formal proposal and will be subject to a vote.

The Planning Committee currently consists of 19 elected Members. In accordance with protocol, 10 Members must be present at the start of a debate on an item to constitute quorum and to allow a vote to be taken.

County Council Members who are not elected onto Planning Committee may attend the meeting and speak on an item, but are not able to make a proposal to grant or refuse, or to vote.

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

The Chair will announce the item which is to be dealt with next. In relation to planning applications, reference will be made to the application number, the location and basis of the proposal, the relevant local Members for the area, and the Officer recommendation.

If any Member is minded to propose deferral of an item, including to allow for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason for deferral, before any public speaking or debate on that item.

Where relevant, the Chair will offer the opportunity for Members to read any late information on an item on the 'Blue Sheets' before proceeding.

Prior to any debate, the Chair may invite Officers to provide a brief introduction to an item where this is considered to be worthwhile in view of the nature of the application. In addition the Officers may read out any prepared speech by an

interested party for or against the application. The speech provided against any application will be read out first.

The Chair will announce that the item is open for debate and offer Members opportunity to speak and to make propositions on the item.

If any application has been subject to a Site Inspection Panel prior to the Committee, the Chair will normally invite those Members who attended, including the Local Member, to speak first.

On all other applications, the Chair will permit the Local Member(s) to speak first, should he/she/they wish to do so.

Members are normally limited to a maximum of five minutes speaking time, and the Chair will conduct the debate in accordance with Standing Orders.

Once a Member has spoken, **he/she should not speak again** unless seeking clarification of points arising in debate, and then only once all other Members have had the opportunity to speak, and with the agreement of the Chair.

At the conclusion of Members debate, the Chair will ask Officers to respond as appropriate to questions and points raised, including advice on any resolution in conflict with the recommendation.

Prior to proceeding to the vote, the Chair will invite or seek clarification of propositions and seconders for propositions for or against the Officer recommendation, or any other resolutions including amendments to propositions. Where a proposition is made contrary to the Officer recommendation, the Chair will seek clarification of the planning reason(s) for that proposition, in order that this may be recorded in the Minutes of the meeting. The Chair may request comment from the Legal and Planning Officer on the validity of the stated reason(s).

The Chair will announce when the debate is closed, and that voting is to follow.

The voting procedure

Before requesting Members to vote, the Chair will announce what resolutions have been made, and how the vote is to proceed. If necessary, further clarification may be sought of amendments, new or additional conditions and reasons for refusal, so there is no ambiguity over what the Committee is voting for or against.

The voting will proceed with the Chair going around all the Planning Committee members eligible to vote to ask for their verbal "For", "Against" or "Abstain" vote. The votes will be marked down and the Chair will then announce whether that application has been approved or refused.

Croeso i Bwyllgor Cynllunio, Sir Ddinbych

Welcome to Denbighshire Planning Committee

7 Hydref 2020

7 October 2020



Eitem Agenda 5 / Agenda Item 5

21/2019/1032

The Paddock, Llanferres

Eitem Agenda 5 / Agenda Item 5



Eitem Agenda 5/Agenda Item 5

Page 8



Eitem Agenda 5 / Agenda Item 5

Page 9



Eitem Agenda 5 / Agenda Item 5



Eitem Agenda 5 / Agenda Item 5



Eitem Agenda 5 / Agenda Item 5





Eitem Agenda 5 Agenda Item 5



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LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, (<i>name</i>)	<input type="text"/>
a *member/co-opted member of <i>(*please delete as appropriate)</i>	Denbighshire County Council
CONFIRM that I have declared a *personal / personal and prejudicial interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:- <i>(*please delete as appropriate)</i>	
Date of Disclosure:	<input type="text"/>
Committee (<i>please specify</i>):	<input type="text"/>
Agenda Item No.	<input type="text"/>
Subject Matter:	<input type="text"/>
Nature of Interest: <i>(See the note below)*</i>	<input type="text"/>
Signed	<input type="text"/>
Date	<input type="text"/>

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in on Wednesday, 2 September 2020 at 9.30 am.

PRESENT

Councillors Mabon ap Gwynfor, Ellie Chard, Ann Davies, Alan James (Vice-Chair), Tina Jones, Gwyneth Kensler, Christine Marston, Melvyn Mile, Merfyn Parry, Pete Prendergast, Peter Scott, Tony Thomas, Julian Thompson-Hill, Joe Welch (Chair), Emrys Wynne and Mark Young

ALSO PRESENT

Observers – Councillors Barry Mellor, Meirick Lloyd Davies

Development Control Manager (PM), Planning Officer (PG), Solicitor (AS), Democratic Services Manager (SP) and Committee Administrator (RTJ)

1 APOLOGIES

There were no apologies.

2 DECLARATIONS OF INTEREST

Councillor Ellie Chard declared a personal interest in Agenda item 7 (Penisa'r Mynydd Caravan Park) as she had family who lived in the area nearby to the development.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Planning Committee held on 15 July 2020 were submitted.

Accuracy –

- It was highlighted that with agenda item 8 on page 37 the seconder for the proposal was not recorded.
- Councillor Meirick Lloyd Davies highlighted that he was observing the meeting, however his presence had not been noted.

RESOLVED that, subject to the above, the minutes of the meeting held on 15 July 2020 be received and confirmed as a correct record

5 APPLICATION NO. 45/2020/0327 - 18/20 VALE ROAD, RHYL

An application was submitted for the variation of condition number 2 of planning permission reference APP/R68301 A/04/1170834 to extend opening hours to 07.00 to 20.00 Monday to Saturday and 09.00 to 17.00 on Sunday at Units 2A & 2B 18/20 Vale Road Rhyl.

At this juncture, the Development Control Manager clarified that public speakers were still not currently able to participate in these remote meetings but a written statement had been provided in favour of the application by Rhodri Williams. Work was underway to enable public speakers to participate at future meetings.

Written statement provided by Rhodri Williams (for):

Good Morning Chair and Councillors

My name was Rhodri Williams, I work for Mango Planning and we were the planning agents for Toolstation. This variation of opening hours application was on behalf of Toolstation. Toolstation units were usually seen within industrial estates and trade parks. However to meet the growing demand by private customers and small businesses for its goods, Toolstation has designed a new retail format for light side building supplies. If approved, it would be the first such store in Wales. Toolstation has confirmed that it would employ 8 full time equivalent staff at the unit. The majority of these jobs would be recruited locally.

The units were currently vacant despite numerous marketing campaigns by the landlord over the last 3 years. Following the Carphone Warehouse closure at the site during March of this year, the park was now 50% vacant. This has equated to the loss of a number of jobs in Rhyl where there was already an increasing rate of retail casualties and a significant number of vacant retail outlets. The recent Covid-19 outbreak has only amplified this.

Given the increasing number of vacancies in the park and the lack of onsite activity, this has led to numerous cases of fly tipping on site alongside antisocial behaviour. The vacant site now attracted rubbish and people dumping their waste on a regular basis. Allowing this application would therefore bring these vacant units back into beneficial use.

There were currently no opening hours restrictions for Unit 2A, the unit can open all day, every day. The opening hours for Unit 2B was restricted to 09:00 to 23:00 on any day. This application proposal offers an opportunity for the Council to reduce the daily and weekly operating hours at this unit.

There were currently no delivery restrictions for any of the retail units within the park, this application proposal offers and opportunity an opportunity for the Council to regularise the delivery hours and arrangements via the submitted Management and Operational Plan.

The Management and Operational Plan has been prepared with input from Council officers. This plan was a further mechanism of protecting residential amenity, the Toolstation workers and any 3rd party logistic operators would be bound by this

plan. It was proposed to be continually enforced, monitored and reviewed by Toolstation throughout its tenancy.

In terms of customer vehicles, Toolstation only sell 'light side' building supplies which includes Power Tools, Screws, Electrical, Plumbing, Hardware, Fixings and Hand tools. There were no 'bulk' or 'heavy side' building supplies which would require an increased loading time or staff assistance to load customer vehicles. Customers only have access to the Sales Counter area. There were no alternative collection points for customers, all purchased goods were able to be transported, by the customer, through the customer entrance doors that face onto Marsh Road, where the majority of customers would park, especially in the mornings.

The officers have assessed the potential noise and residential amenity issue very carefully during this application process. The potential noise impact of this proposal has been assessed thoroughly and found acceptable by all professional officers and consultants. The planning conditions agreed between the applicant and the local authority would control all aspects of the use.

Particularly given the impact of Covid-19, I'm sure you can appreciate that the retail market was challenging in the current climate. Anything Councillors can do to help support the recovery of the market, such as supporting minor planning applications, would be of huge help. In turn, this would provide job opportunities and inward investment into the Rhyl community.

Give the marketing history of the site, if this application was not supported, Unit 2A and 2B would remain vacant for the foreseeable future.

We respectfully request that the application be supported in line with the officer advice. Diolch yn fawr.

General Discussion –

Councillor Christine Marston queried with officers why the opening times, which were proposed for Sunday seemed longer than the usual, and whether the laws had been relaxed due to COVID 19. The officers responded that there could have been a mistake with the wording of the report, however if the application was accepted the applicant would have to conform to the Welsh trading laws.

Councillor Alan James stated that he would support the application as it would bring employment to the area, and bring unused units back into use.

Proposal Councillor Alan James proposed the application be granted in accordance with officer recommendations, seconded by Councillor Ann Davies.

Councillor Mark Young agreed with Councillor Alan James in terms of the positivity of bringing employment to the area. However, he suggested that a condition be included within the application that the operational hours on Sundays were from 10am to 4pm.

Officers responded to the proposed condition, the members were reminded the applicant would have to conform to the Welsh trading laws. The legal officer informed the committee that if the applicant did not conform to the laws they could be prosecuted, however he clarified that the application which was proposed and the opening hours were two separate matters and would be dealt with separately.

Members wanted to ensure that the applicant would conform to the trading laws.

Officers suggested an information note could be included on the decision notice, to emphasise the need to conform to the trading laws.

Vote –

Grant – 16

Abstain – 2

Refuse – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report and supplementary papers.

6 APPLICATION NO. 47/2020/0237 - FARMERS ARMS, WAEN, ST ASAPH

An application was submitted for the Operational development required in association with use of land as a caravan and motorhome club certified location/exempted caravan site comprising formation of a vehicular access, internal access tracks and hardstanding areas, drinking water tap, electricity hook up points, chemical toilet waste disposal facility with rinsing tap, wildlife pond and landscaping (partly retrospective) at Land Adjacent to Farmers Arms, Waen, Llanelwy.

Written statement provided by Mr Peacock (Against) –

My wife and I have lived at Bwthyn Arthur, Waen Goleугоed, since 2013 and our home was directly adjacent to the development site.

The main attraction in purchasing our home was the rural location with our home surrounded by agricultural land.

The proposed site had never been anything other than a small field; it had never been a garden/beer garden or picnic/dining area and it was outside the curtilage of the Farmers Arms itself.

Over the years we have lived here, the site had occasionally been cropped but generally left in a natural state.

Both national and local planning policies dictate that development in open countryside must be strictly controlled. This had been upheld by the planning inspectorate many times.

The applicants have not provided any evidence that the works carried out were justified or required.

The documents submitted by the applicants confirm that the proposed certificated location does not require the hardstanding track and pitches, embankments and electrical hook-up points, only a fresh water supply and facilities for waste.

The application and correspondence confirms the applicants have chosen to ignore the requirements of NRW who specifically state “Wastewater from chemical toilets must not be discharged to the environment or into private treatment systems.” with this being in bold and underlined.

The applicants claim that they will tell visitors to use biodegradable products but NRW’s response does not state “The applicants can make a judgement as to what visitors have in their chemical toilets”.

Putting such chemicals into a private treatment system will kill the bacteria, which clean the waste, resulting in untreated sewage entering the environment. I would question how the applicants, with their history of running cafes, propose to test the chemicals held in the toilets of any visiting vehicles?

Having had only two requirements, water and waste, the applicants have chosen to disregard the legislation for one of them.

The additional works carried out at the site have made the former paddock unrecognisable; not the low impact site for which the Caravan and Motorhome Club were able to grant a certificate.

Approximately 400 square meters (20% of the site) of land was dug out, filled with hard core and overlaid with road placings (recycled road surface, tarmacadam) which were then rolled/compacted.

Some of this area had subsequently been turned over, meaning that recycled road plantings have effectively been buried on the site. Other areas have been banked, and planted with non-native trees, shrubs and some flower beds.

The layout of the site now means that three of the five pitches, on which caravans may be parked, were within approximately twenty feet of our garden and thus the development works to which the retrospective planning application relates will have a direct impact on both the visual amenity and residential amenity of our property.

The application contains many incorrect statements and omissions: The site was not on the B5429 (which was over a mile from the site, Rhualt to Tremeirchion) but the C52 which was a narrow minor road with no centre white line

Vehicles entering and leaving the site will dangerously be on the wrong side of the road between two bends

The visibility splays stated were not achievable, particularly towards the A55, again dangerous

The required SuDs report had not been carried out. There have been no ecological, environmental or protected species surveys.

Fourteen local households were against the application, representing sixteen properties, being over half the properties in Waen Goleuoged as were the Community Council.

Whilst the applicants will no doubt claim that they have spent considerable sums on the development, Councillors were respectfully reminded that the applicants chose to develop the site without planning permission and chose to conclude development after receiving an enforcement warning notice. I would therefore ask you to reject the application and have the field restored to its former state in line with national and local planning policies.

Please don't let the countryside be lost one field at a time.

Written statement provided by Elaine and Peter Malloy (For) –

Good morning Ladies and Gentlemen.

No doubt you will have already reviewed all the correspondence relating to our application that was available on the planning portal.

You will also be aware that we have always sought, and complied with, expert advice and opinions, whilst preparing our application. We have endeavoured to, implement fully, the recommendations of the relevant, professional authorities. With that in mind we do not intend to dwell upon such technicalities.

We do however, welcome this opportunity to speak about our sympathetic developments of The Farmers Arms and our passion for this historic and striking building within our community and the surrounding landscape.

We bought the Farmers Arms almost 3 years ago believing it was possible to regenerate a business that had failed to make a profit for some years. We spent 18 months renovating and remodelling the property, aiming to retain the original vista and character of the building and grounds.

The reality was the world had changed substantially from when the 18th Century Inn was built. Quite rightly, people no longer drive to the country for drinks. We knew that, to survive, we would need to attract people not only to visit, but to stay with us. Our potential customers would enjoy countryside walks. People who also appreciate a meal in front of a log fire and, who could then have a drink with us as residents.

Of course, we were somewhat limited by the number of guests that we can accommodate within the hotel. Being approved by the Caravan and Motorhome club (CMHC) as an exempt, privately certificated location, solely for their members, for a short stay, it seemed reasonable to accommodate an increased number of guests to benefit from our hospitality. The CMHC told us to expect no more than 2 or 3 caravans or campervans, staying for a short time. We were allowed a maximum of 5, to stay, in our garden area. However, as with our resident guests,

they should be able to take advantage of our facilities without the need to drive elsewhere. This will help our Inn become a viable business.

In anticipation we have prepared a beautiful environment to accommodate such guests. We have greatly enhanced a previously overgrown neglected part of our grounds, creating a wildlife haven. We've including a shallow pond, wildflowers, willow and fruit trees, all aiding drainage.

Of course, if we were to cater for visitors staying within our grounds it was necessary to provide additional services to cater for their needs. Any visitors to this amazing part of Wales should return to their homes, having had a positive experience. We have embraced quality standards to provide drinking water and somewhere to empty toilet waste. We have also provided a safe and reliable electricity supply and the ability to drive in and out of the garden without getting stuck in the mud.

This was the point where we seek your approval, as committee members.

In making provision for a permeable, granular material, access track that aids drainage, assist mobility and prevent mud deposits on the highway, we require planning approval.

The use of our grounds to accommodate caravans has already been clarified as a legal use of our land. This planning application was about us seeking permission to retain the access track in our camping garden. We have no permanent hard standings and the track itself, already had grass growing through it.

Despite some genuine concerns about numbers of visitors staying with us, their use of the public footpaths or devaluation of properties, neighbours who have visited and inspected what we have tried to achieve, were supportive of our endeavours. You will be aware that we only use local tradesmen, employ local students, and encourage our guests to visit other local businesses.

The Denbighshire Destination Management plan advocates using what you have been given to "develop a thriving visitor economy in Denbighshire which celebrates the unique strengths of the county, supports jobs, generates business opportunities and improves the range and qualities of amenities available for visitors and residents whilst safeguarding the environment".

This was our vision which was supported by customers' reviews. This application was not about winners or losers. This was about diversification in an, ever changing world, without compromising our integrity.

General Debate –

Councillor Christine Marston (local member) informed the committee that the proposed area for the application was in a rural location, the proposed development lay outside the curtilage of the farmers arms. The member highlighted that the application was completely retrospective and not partly retrospective as the report indicated. The impact on the visual amenities of local residents were not affected by

the ground works however they would be impeded by the caravans which would be using the site. Another impact the development would have on local residents would be due to the noise pollution which would be produced. Concerns were also highlighted about the lack of ecological survey which had not been carried out at the site prior to any of the development. The SUDS scheme which had not been agreed was also outlined as a concern, alongside the surface water flooding which was occurring due to the development of the hard surfacing at the site.

Councillor Marston added that there were also major concerns with the management of the chemical waste at the site as there would be no way to monitor the disposal of the waste. There also was a Scottish power electrical transformer on the site which posed a safety concern. Lastly the local member added that there had not been a certificate granted by the National Caravan Club (NCC)

Proposal – Councillor Christine Marston proposed the application be refused contrary to officer recommendations, seconded by Councillor Brian Jones. The reasons for refusal would be discussed thoroughly prior to the vote.

Officers responded to queries, confirming that the use of land as a ‘Certified Location’ caravan site would fall within permitted development rights and therefore the change of use of land does not form part of the application. Members were also advised that the application had been submitted following enforcement action in respect of the operational development that did require planning permission, and were associated with the use of the land.

Councillor Marston’s proposal was clarified by Officers. Officers made it clear that it was only the impact of the operational development that could be considered in this case. That there was a fallback position on the site meaning it could operate as a caravan site (under the certification process) and provide lesser facilities to its occupants by removing the operational development. The Councillor proposed the reasons for refusal as follows –

- Residential Amenities – visual impact of the work carried out on the site.
- The Ecological impact – the management of the waste and to ensure it was disposed of properly.
- Safety – Scottish Power’s main transformer on the site could be a danger to the site users.

VOTE –

For – 3

Refuse – 14

Abstain – 0

RESOLVED that the application be **REFUSED** contrary to officer recommendations within the report.

7 APPLICATION NO. 47/2020/0420 - PENISA'R MYNYDD CARAVAN PARK, CAERWYS ROAD, RHUALLT

An application was submitted for the deletion of Condition 8 of Planning Permission 47/2003/0132 and deletion of Condition 7 on Appeal Decision APP/A/03/1117348 to allow for an extended 12 month all year round holiday season.

General Debate

Councillor Christine Marston (local member) advised members of the background to this application. The application was intended to allow people to use the caravan site throughout the year. The local member felt that this would have a detrimental effect on local residents' amenities. One of these was noise pollution as the site would be occupied throughout the year meaning the local residents would not get a respite from the sound. It was also outlined how the hedges around the site were not mature and therefore didn't mitigate the visual impact of the site for the local residents. Another concern was people staying at the site all year round, and the difficulties the Council would have in trying to prevent this. Councillor Marston also outlined that the road to the caravan site was of poor quality and was likely to get worse.

Cynnig - Cynigiodd y Cynghorydd Christine Marston y dylid gwrthod y cais ar sail yr effaith ar drigolion lleol trwy lygredd sŵn a'r effaith ar fwynderau gweledol gan nad oedd y gwrychoedd ar y safle yn gallu sgrinio'r effaith. Eiliwyd gan y Cynghorydd Mark Young.

Councillors agreed with the local member as they had concerns about whole year occupancy of the caravans and how the Council would be able to enforce any breaches. It was highlighted that the site was visible from the AONB and it was queried whether additional conditions could be included to reduce the lighting on the site.

Officers responded to the points raised by the committee, reminding members that the site was an existing caravan site and had existing conditions in respect of landscaping and lighting. There was strong support by the Welsh Government to try and support tourism throughout the year as it was vital for the economy. The officers clarified for members that it was possible to add a condition which would require the owners to keep a record of those using the site, and allow council officers to view the records.

Officers also acknowledged that although there were instances in the county of permanent residency on holiday caravan sites, work was also being carried out to address this.

Proposal - Councillor Gwyneth Kensler proposed the application be granted in accordance with officer recommendation, **SECONDED** by Councillor Alan James

Vote –

For – 8

Against –8

Abstain - 0

The vote was tied, therefore the chair cast the deciding vote, and voted for the application in accordance with officer recommendations.

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report and supplementary papers.

The meeting concluded at 11:54am.

Agenda Item 5

WARD : Llanarmon Yn Ial / Llandegla

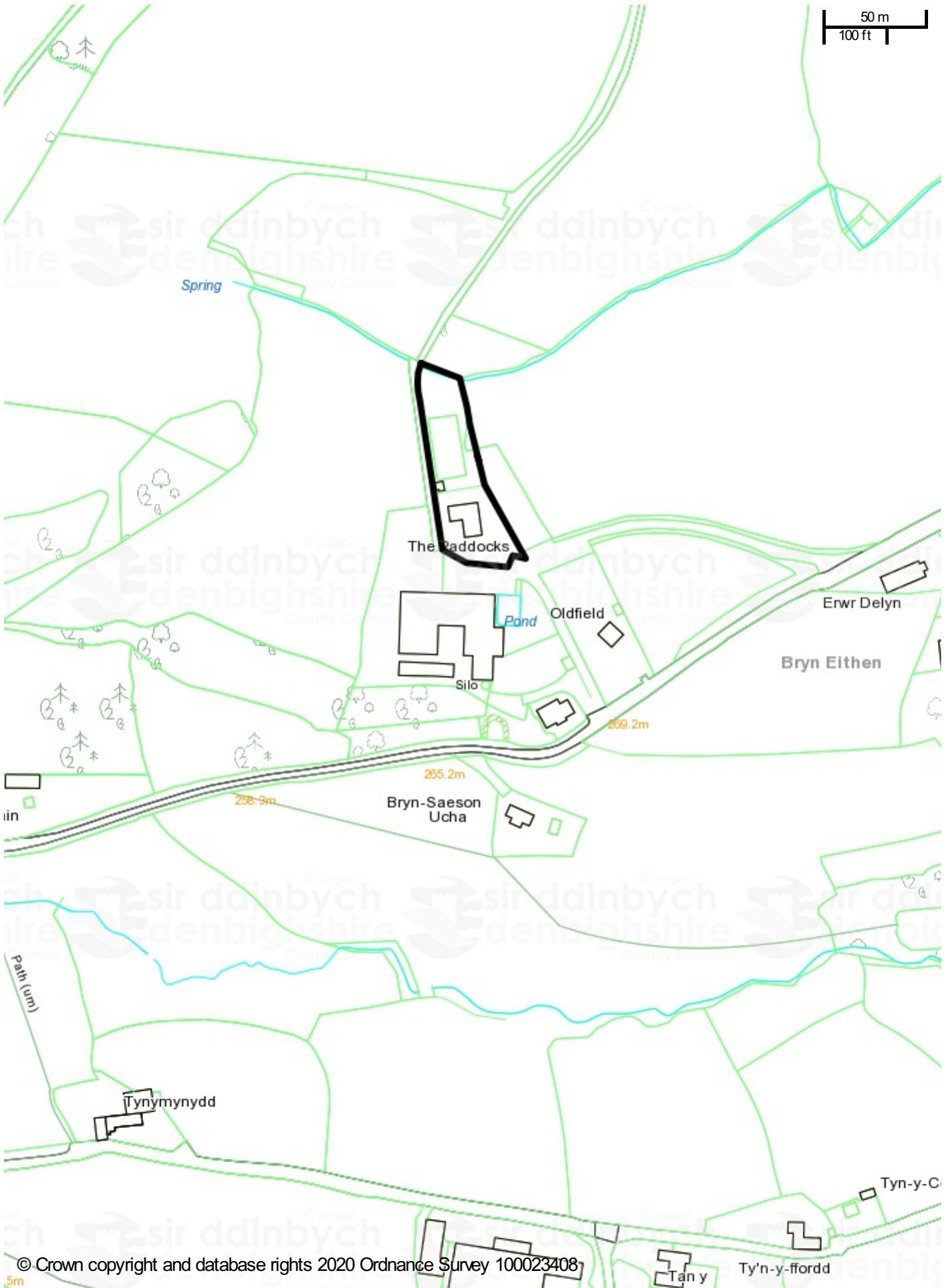
WARD MEMBER(S): Cllr Martyn Holland

APPLICATION NO: 21/2019/1032/ PF

PROPOSAL: Erection of extension to existing domestic ancillary building, formation of access track to serve the domestic ancillary building and associated works (Partly retrospective)

LOCATION: The Paddock Llanferres Mold

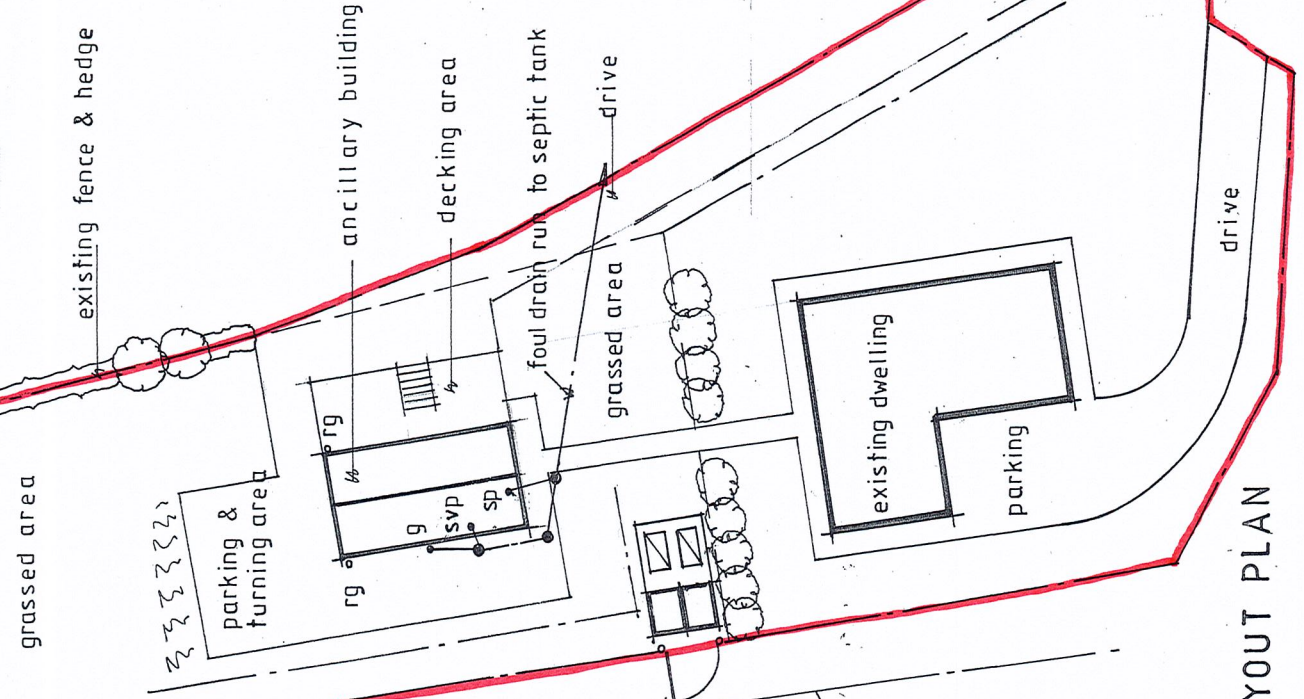
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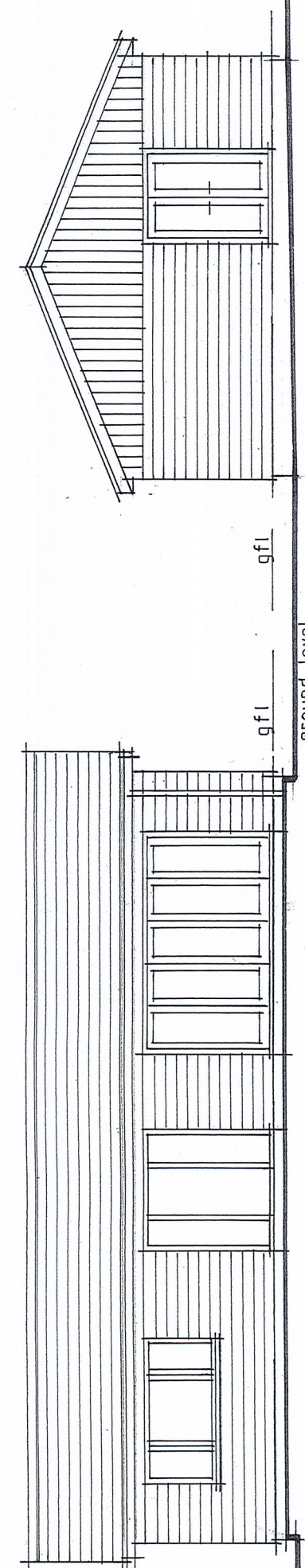
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21/2019/1032
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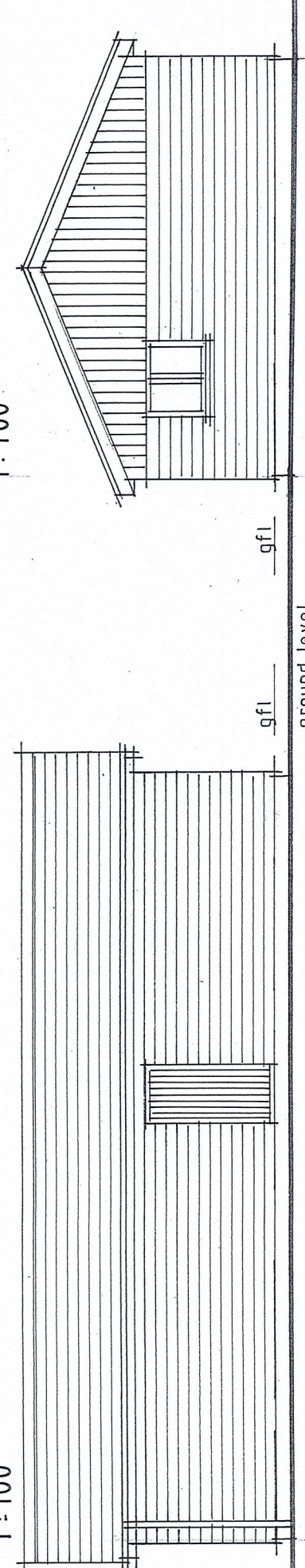
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SITE LAYOUT PLAN
1:500



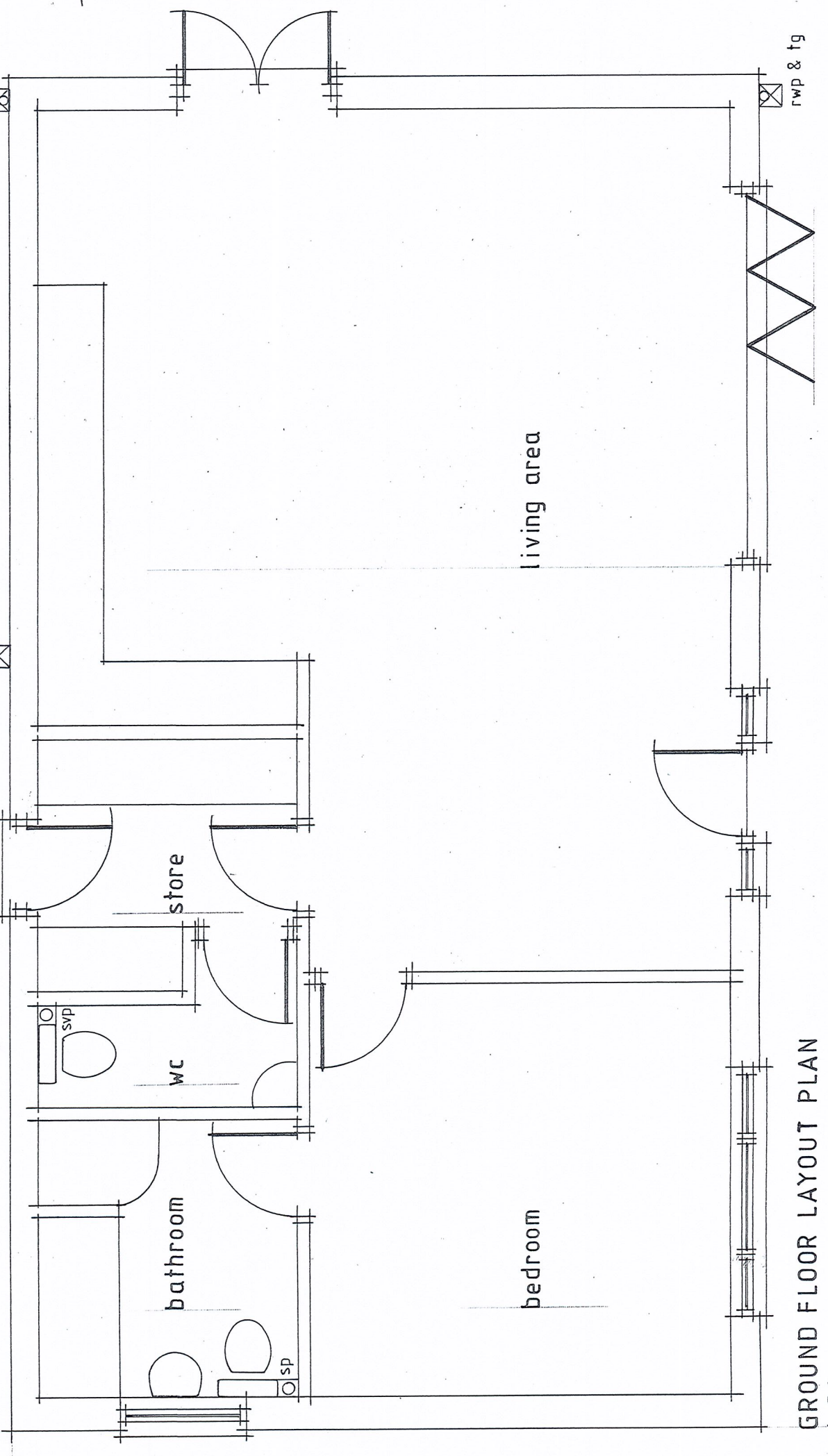
FRONT ELEVATION
1:100



SIDE ELEVATION
1:100



REAR ELEVATION
1:100



GROUND FLOOR LAYOUT PLAN
1:50

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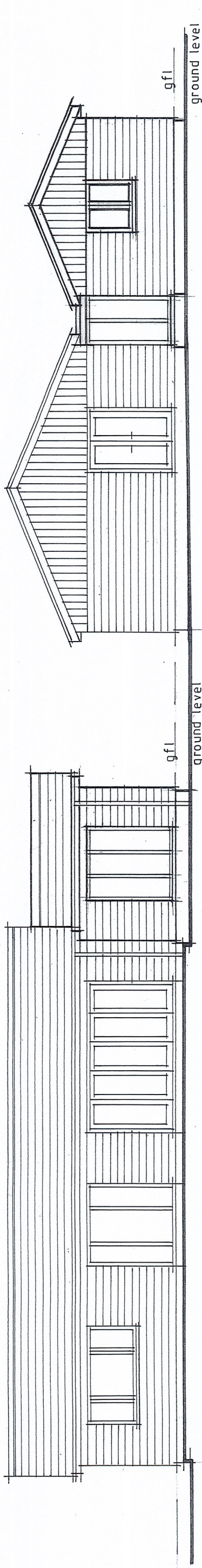
M & R **MATISCHOK & ROSS**
architectural services

project title
THE PADDOCK, LLANFERRES, MOLD.

drawing title
Existing Plan, Elevations & Site Plan.

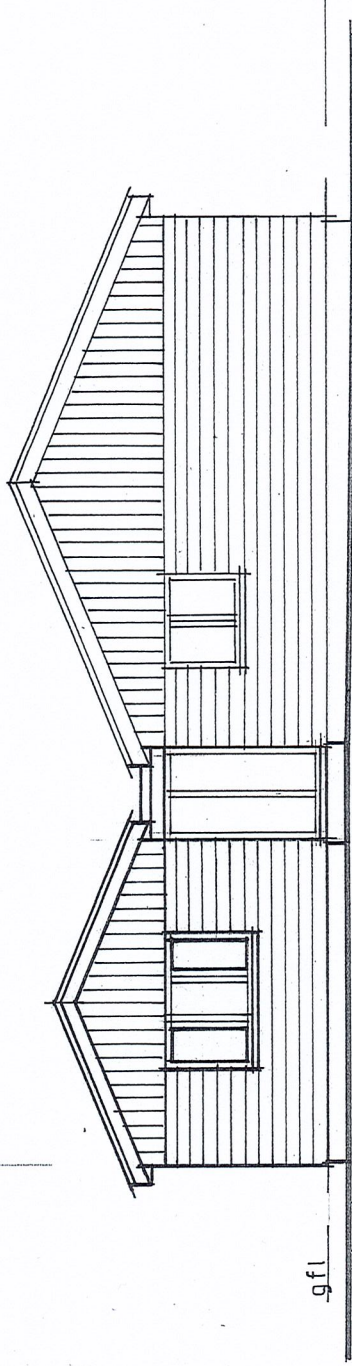
project no.	0468	drawing no.	12	revision	
date	26:11:19	scale	1:50, 1:100, 1:500	drawn by	PM

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 ✉ mail@matischokross.co.uk 🌐 www.matischokross.co.uk

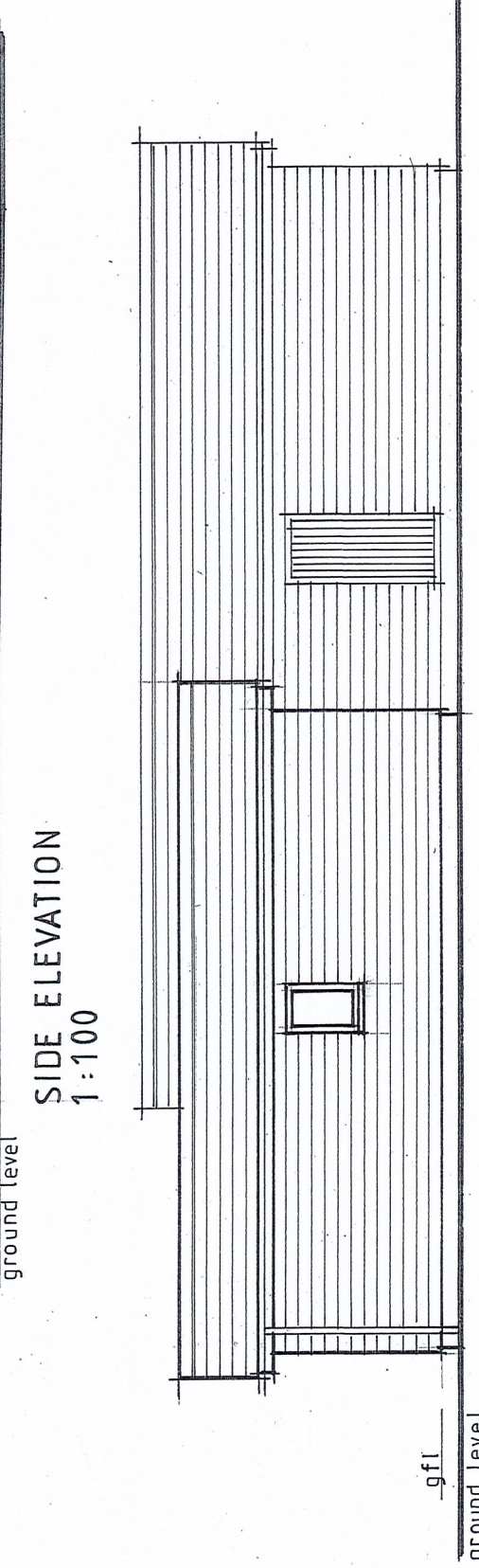


FRONT ELEVATION
1:100

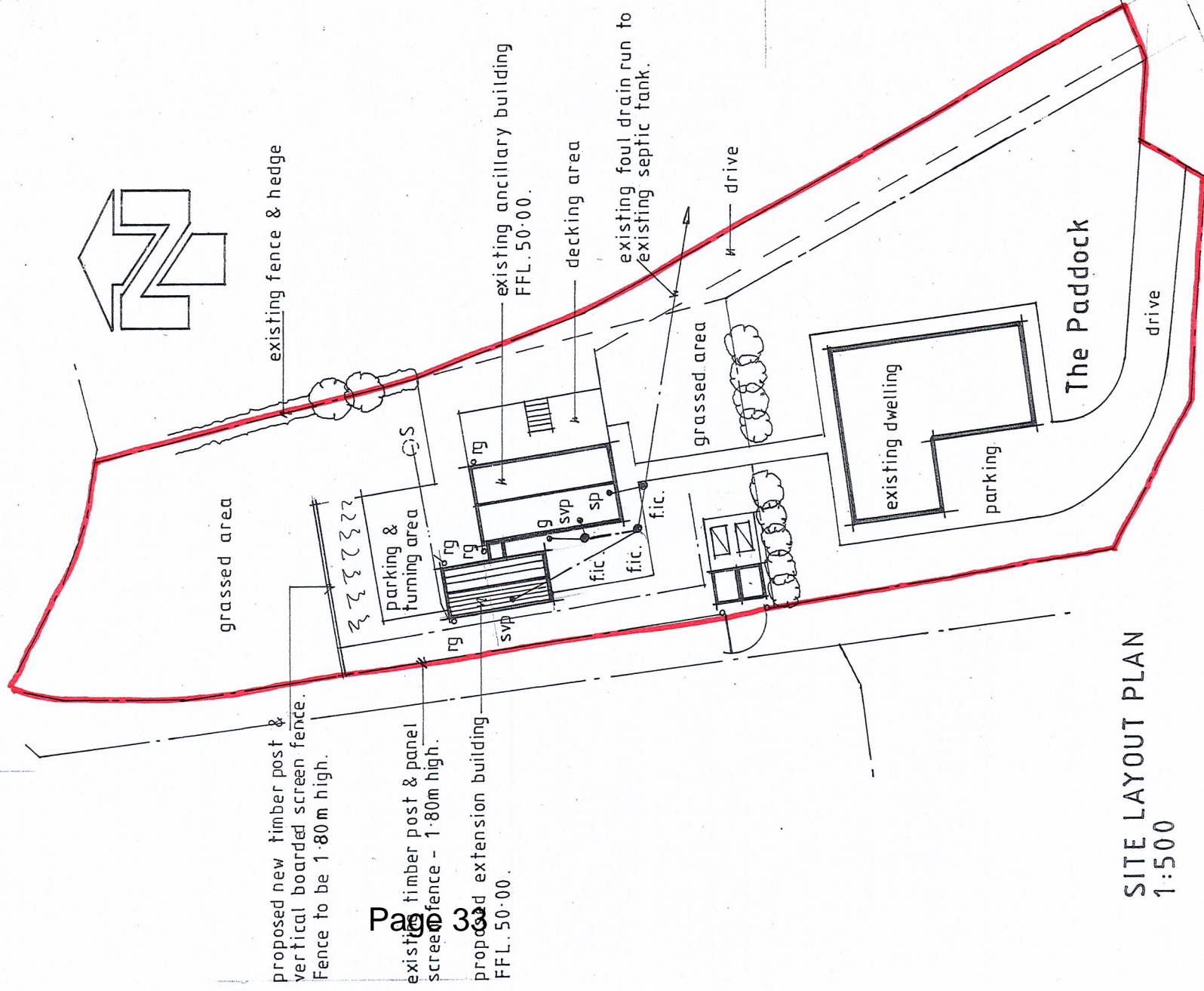
SIDE ELEVATION
1:100



SIDE ELEVATION
1:100



REAR ELEVATION
1:100

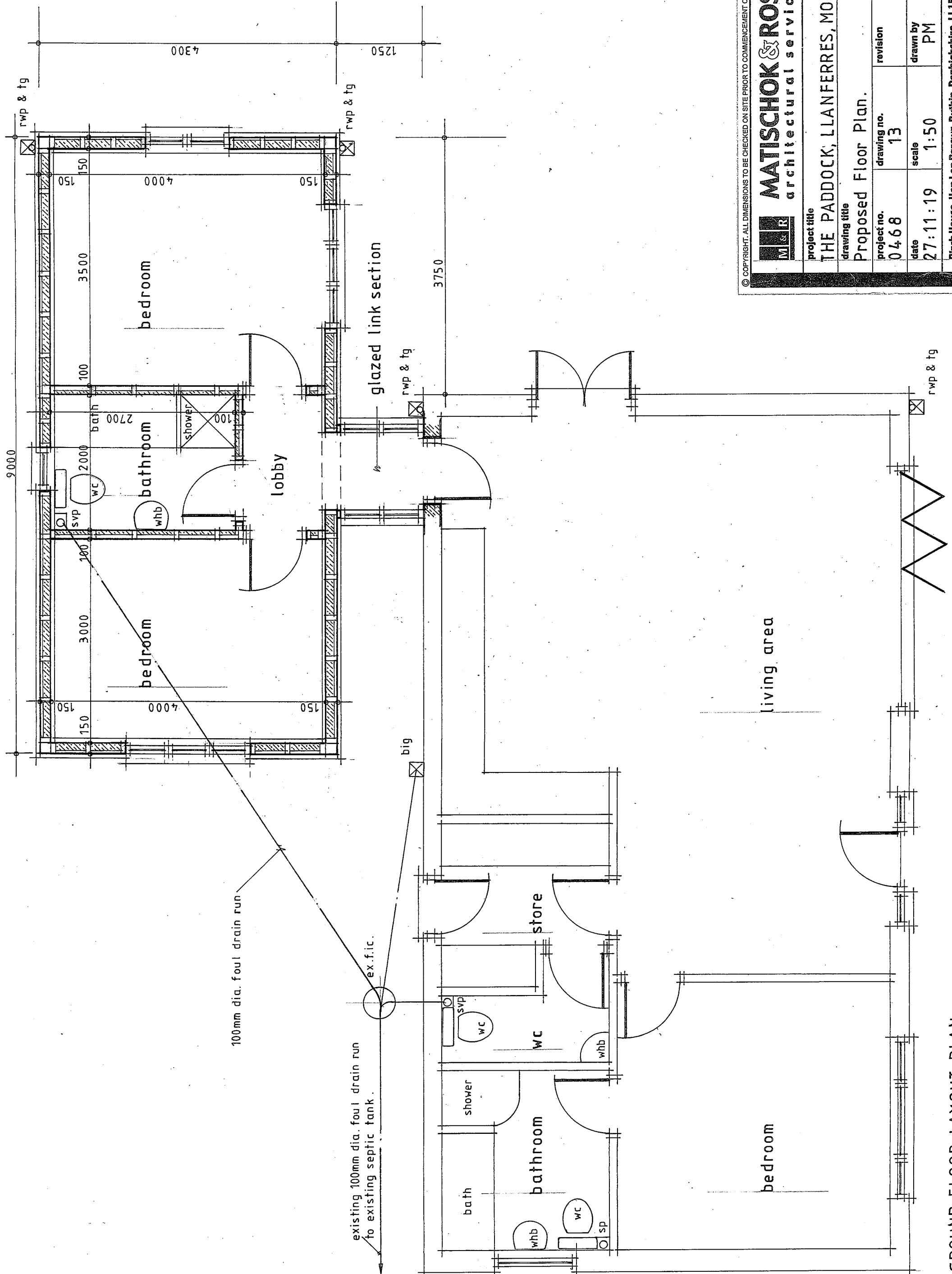


SITE LAYOUT PLAN
1:500

External Materials (to match existing ancillary building).
Roofs :- New or second-hand natural blue/grey mineral slates.
Walls :- Horizontal and vertical natural timber boarding – cedar or larch boarding.
Windows & External Doors :- Black upvc/aluminium windows & external doors.
Fascia & Barge Boards :- Black timber effect upvc fascia, barge and soffit boards.
Rainwater Goods :- Black upvc gutters and down pipes.

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M & R		MATISCHOK & ROSS architectural services	
project title	THE PADDOCK, LLANFERRES, MOLD.		
drawing title	Proposed Elevations & Site Plan.		
project no.	0468	drawing no.	14
date	02.12.19	scale	1:100, 1:500
		revision	drawn by
			PM
Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL15 1NA ☎ 01824 705 222 ☎ 01824 707 171 ✉ mail@matischokross.co.uk 🌐 www.matischokross.co.uk			



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M&R		MATISCHOK & ROSS architectural services	
project title	THE PADDOCK, LLANFERRES, MOLD		
drawing title	Proposed Floor Plan.		
project no.	0468	revision	13
date	27:11:19	scale	1:50
		drawn by	PM
Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL15 1NA t 01824 705 222 f 01824 707 171 e mail@matischokross.co.uk w www.matischokross.co.uk			

GROUND FLOOR LAYOUT PLAN
1:50

WARD : Llanarmon Yn Ial / Llandegla

WARD MEMBER(S): Cllr Martyn Holland

APPLICATION NO: 21/2019/1032/ PF

PROPOSAL: Erection of extension to existing domestic ancillary building, formation of access track to serve the domestic ancillary building and associated works (Partly retrospective)

LOCATION: The Paddock Llanferres Mold

APPLICANT: Mr & Mrs Gary & Margret Davies

CONSTRAINTS: PROW
AONB

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommending refusal- Local Member Call in
Reasons: To allow the committee the opportunity to consider the need and justification for the proposed development.

CONSULTATION RESPONSES:

LLANFERRES COMMUNITY COUNCIL –

“No objection in principle but would refer the Planning Department to the previous proposal No. 21/2015/0213. This application should be subject to the conditions laid down in the original application”.

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE –

“The proposed extension will effectively create a 3 bedroom/2 bathroom detached dwelling which functions independently from the primary residence. In this context, the committee would query whether this application should be more appropriately considered as an application for a rural enterprise dwelling with the usual tests applied to determine the acceptability of the proposals.”

RESPONSE TO PUBLICITY:

Representations received neither support nor object:
Paul and Gwenda Jelley, Bryn Ffynnon Farm, Forestry Road, Llanferres

Summary of planning based reasons:

Questioned whether the new driveway is included in the application

Questions the use of the ancillary building as domestic accommodation suitable for a family home

It is not required for someone to live on the site and there are many affordable homes available in the area

Concerns that this development will set a precedent for similar applications for new dwellings in the open countryside on larger properties.

RECONSULTATION RESPONSES:

Submission of amended plans to include the new access driveway serving the ancillary building shown within red line boundary and included as part of the application description.

LLANFERRES COMMUNITY COUNCIL-

Previous comments still stand. Fully support comments made by AONB.

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE –

Retains the view that the extension will effectively create a 3 bedroom/2 bathroom detached dwelling which functions independently from the primary residence. The separate access track reinforces the impression that this is an independent dwelling. Query whether a rural enterprise dwelling application would be more appropriate.

DENBIGHSHIRE COUNTY COUNCIL CONSULTTEES-
Highways Officer- No objection

RESPONSE TO PUBLICITY:

Representations received in objection:

Paul and Gwenda Jelley, Bryn Ffynnon Farm, Forestry Road, Llanferres

Summary of planning based reasons for objection:

- Another retrospective application as track is already existing
- Inaccuracy of plans, hedgerow removed and curtilage increased onto agricultural land without planning permission
- The public footpath along the hedgerow has not been included on the plan
- Fully support AONB and Community Council's comments

EXPIRY DATE OF APPLICATION: 02/02/2020

EXTENSION OF TIME AGREED: 09/10/2020

REASONS FOR DELAY IN DECISION (where applicable):

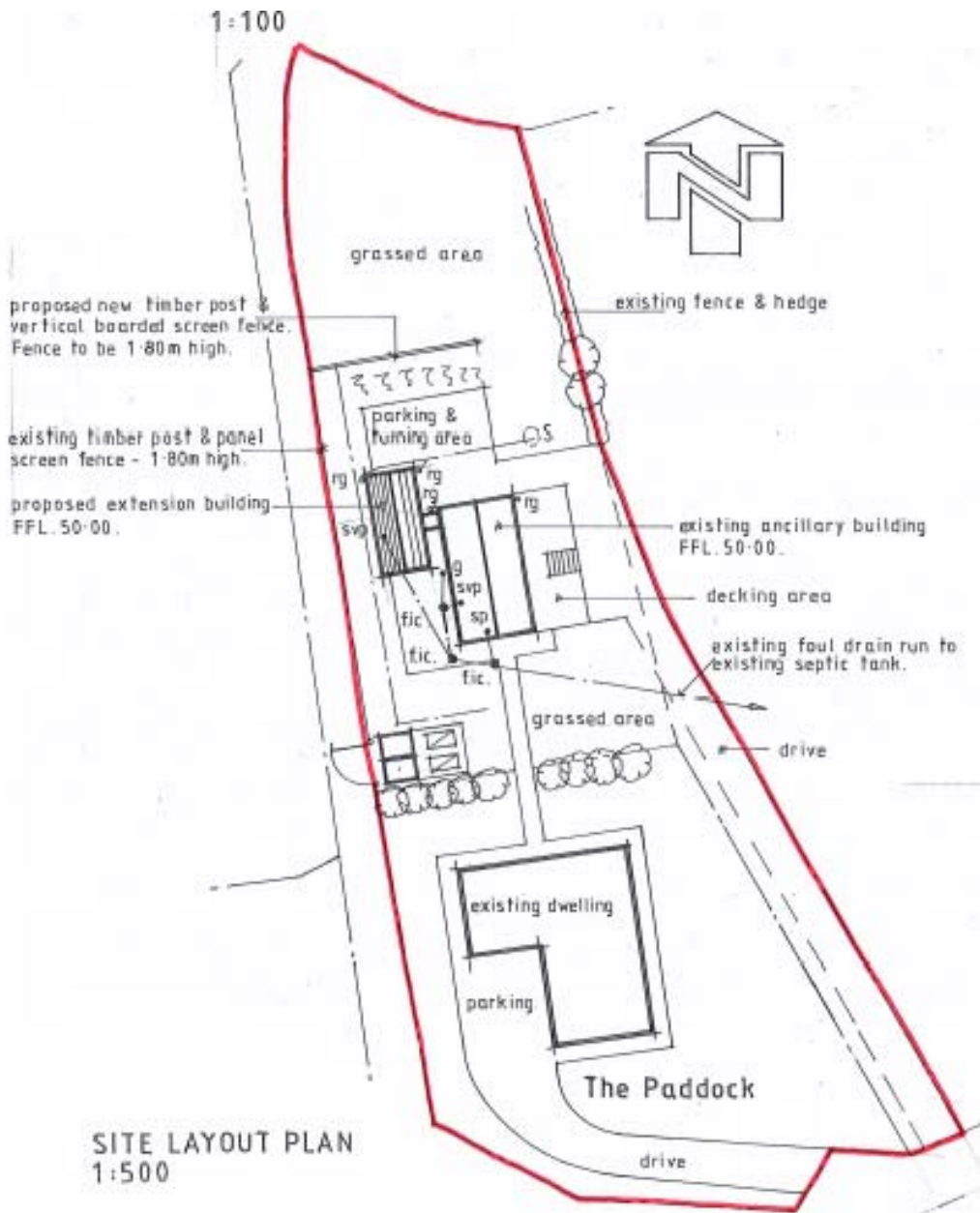
- additional information required from applicant
- Discussions with Legal Officer
- Awaiting consideration by Planning Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

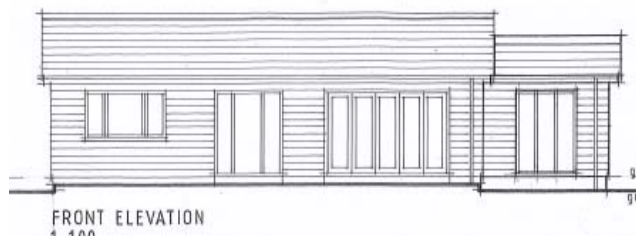
1.1 Summary of proposals

- 1.1.1 The application seeks permission for the erection of a single storey timber clad linked extension to the rear of an existing ancillary outbuilding including the formation of a private access drive to serve the ancillary building only, in connection with the main dwelling, The Paddock, Llanferres.



Proposed site plan showing location of main dwelling to the south of the ancillary building and the location of the rear extension to the ancillary building.

- 1.1.2 The rear extension would measure 4.3m x 9m and would comprise 2 bedrooms, a bathroom and lobby area. It would have a pitched roof with a ridge height of 3.7m and eaves height of 2.8m.



Front elevation

- 1.1.3 Windows are proposed to each gable end and patio doors to the front elevation with a small window to the rear to serve the bathroom. It would be connected to the existing outbuilding by a glazed link.



Side elevations showing glazed link

1.2 Description of site and surroundings

- 1.2.1 The site is situated in the open countryside in an elevated position adjacent to the dwelling known as The Paddocks which it is separated by a tall mature hedge with a footpath through for access.
- 1.2.2 It is an existing single storey timber outbuilding located on the site of former disused tennis courts and has its own private garden space, terrace decking and driveway and parking area which is separate to the main dwelling.
- 1.2.3 A public footpath runs along the eastern boundary of the site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located outside of any development boundary and is situated within the AONB protected designation as described in the LDP.

1.4 Relevant planning history

- 1.4.1 Permission was granted for the existing outbuilding in 2015. The floor plan for the 2015 permission showed the building to provide 1 bedroom with ensuite, office/study, and garden equipment storage area. Conditions were attached to the permission to ensure that the building remained as ancillary use/accommodation in connection with the main dwelling.

1.5 Developments/changes since the original submission

- 1.5.1 Additional justification provided to prove the building is used as ancillary accommodation to the main dwelling.
- 1.5.2 Amendment to red line boundary to include the formation of the new access driveway which serves the ancillary building and amendment to application description to include this detail.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 21/2015/0213 Erection of ancillary domestic building, GRANTED 24/04/2015

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC 6 – Local connections affordable housing in hamlets

Policy BSC 8 – Rural exception sites

Policy BSC 9 – Local connections affordable housing within small groups or clusters

Policy RD3 – Extensions and alterations to existing dwellings

Policy VOE2- Area of Outstanding Natural Beauty/Area of Natural Beauty

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Space Standards

3.2 Government Policy / Guidance

Planning Policy Wales Edition 10 December 2018

Development Control Manual (2016)

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual amenity including impact on Area of Outstanding Natural Beauty

4.1.3 Residential amenity

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales Edition 10 (PPW10) paragraph 3.5.6 states development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

Policy RD 3 relates specifically to the extension and alteration of existing dwellings, and states that these will be supported subject to compliance with detailed criteria. The Residential Development SPG offers basic advice on the principles to be adopted when designing domestic extensions and related developments. The existing ancillary outbuilding would be regarded as an extension in this context and therefore the principle of appropriate extensions and alterations to existing dwellings is therefore acceptable.

Concerns have been raised by neighbours and the AONB Committee regarding the principle of the development as the application appears to result in creation of a new 3 bed dwelling in the open countryside with no justification provided considering there are a number of affordable homes in the area for a young family. Concerns were also raised that this development would set a precedent for further residential development in the open countryside.

The application proposes extension to an existing detached ancillary outbuilding. The extension would comprise additional 2 bedrooms and bathroom. Following the site visit into the property by the Case Officer, it was evident the ancillary building was being used as a separate unit of accommodation as it had all the amenities required to function separately from the main dwelling, including, kitchen, dining, living area, utility, 2 bathrooms and a bedroom. The unit is screened from view from the main dwelling, The Paddocks, by a tall hedge and has its own private driveway off the main access to The Paddocks and its own parking and turning area to the front and side.



Main dwelling to the left with ancillary building screened off



New driveway to serve ancillary building

Policy RD3 states that extensions are supported to existing dwellings, which includes the creation of ancillary domestic accommodation, providing it retains some reliance on the main dwelling and does not form its own separate self-contained dwelling. It is stated that the son of the occupiers of the main dwelling lives in the unit with his wife and child who visits on weekends and the additional bedrooms are to accommodate a growing family.

The applicants have stated that the building remains ancillary to The Paddocks despite acknowledging the building has all the day-to-day facilities to run independently from the main dwelling except for a reliance on utilities such as water and electricity supply which come from the main dwelling. The unit does not have a separate postal address registered with Royal Mail nor is it registered for paying Council Tax.

Officers consider that for an outbuilding to remain ancillary it must meet the following tests:

- Form part of the main dwelling, or be clearly related to it, so it cannot be simply split off to create a self-contained new dwelling in the future
- Have some link / degree of dependence on the main dwelling
- Contain the minimum necessary additional accommodation to meet the identified need for annex accommodation (not containing every room which would be expected in a normal dwelling)

In this case, the proposal is to extend an existing ancillary building which effectively creates a 3 bedroom, 2 bathroom unit with all the amenities of a self-contained dwelling. It has a proposed internal floor area of approximately 126sqm which is 45.5sqm above the 80sqm floor space standards for a 3 bed property described within the SPG- Residential Space Standards. The unit is physically separated from the main dwelling, screened from view from this property and has its own access, driveway and parking space. Given the amount of garden space around the main dwelling and the ancillary building, there is no doubt that amenity standards could also be met and the ancillary building could be easily severed from the main dwelling creating its own planning unit.

Having regard to the comments provided by the Community Council and the conditions imposed on the original permission from 2015, it is considered that it may be possible for a development to be acceptable in planning terms subject to tying occupancy conditions. Paragraph 5.43 of the Circular states that, *it may be appropriate to impose a planning condition to ensure the annexe is only used as ancillary accommodation to the main dwelling house and to prevent its occupation independent of the main house.*

The applicant's Planning Consultant suggested that the applicant enters into a S106 agreement or provides a Unilateral Undertaking that:

- (1) Prevents the sale or lease of the ancillary accommodation separately from the main dwelling; and possibly,*
- (2) Restricts the occupation of the ancillary building to family members of those residing in The Paddocks.'*

Officers consider that any S106 agreement would need to meet the Welsh Government Circular 016/214 tests for the acceptability/use of S106 agreements and would need to be in accordance with policy to make the otherwise unacceptable development of a new dwelling in the open countryside, acceptable in planning terms. Officers are of the opinion that, in spite of covenants in the S106, it would still be an unacceptable development in planning terms.

Officers have concerns whether the building is being used as an annexe at all but it still has to be rationalised as to whether a tying condition is justified i.e. that the severance of the "dwelling" to be created would do harm to planning objectives,

- a) in policy terms where an additional dwelling would otherwise be prohibited, such as in a rural area, or
- b) in amenity or traffic terms where a severed additional dwelling would have inadequate space for normal domestic requirements such as amenity space, turning or parking, or used independently would create amenity harm for neighbours.

Officers consider that there is no reasonable doubt that the unit would be physically and functionally separate from the main dwelling. It would have all the necessary day to day living facilities required and there would not therefore be the necessary degree of dependency upon the main dwelling as to render its use ancillary to the main dwelling.

The application is therefore considered to be tantamount to the creation of a new dwelling in the open countryside and is therefore against Local and National Policy.

Having regard to the comments provided by the AONB Officer around the applicant alternatively applying for a Rural Enterprise Dwelling connected with the Sawmill Business, the agent has confirmed that the Sawmill Business on the site would not be able to justify a new dwelling for a rural worker on site as they would not be able to satisfy the criteria contained in TAN 6: Sustainable Rural Communities.

Consideration has also been given to the 'exceptions' policies within the LDP (Policies BSC 6, BSC 8 and BSC 9) which set out the circumstances where residential development in the open countryside might be justified where it is to meet a demonstrable local need for affordable housing. No such case has been made in this instance.

In conclusion, Officers consider the proposed extension to an existing ancillary building would consolidate the concerns that the building is used as a persons' sole and main place of residence and is operating as a separate independent unit. It is not considered reasonable to include occupancy conditions similar to those previously approved under the 2015 permission as a building with 3 proposed bedrooms and all other facilities would clearly be used as a separate residential dwelling. Securing the occupancy of the dwelling to members of the same family through a S106 agreement is also not considered reasonable as it confirms that the building is being used as a main place of residence and would not make the development acceptable in planning terms. As proposal for what is tantamount to the creation of a new dwelling in the open countryside, there are no exceptional circumstances or material planning considerations that override the restrictions to developing new dwellings in the open countryside. The proposal is in conflict with Local and National Policy and therefore unacceptable in principle.

- 4.2.2 Visual Amenity including impact on Area of Outstanding Natural Beauty
Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made.
Criteria ii) of Policy RD 3 requires that a proposal is sympathetic in design, scale, massing and materials to the character and appearance of the existing building.
Criteria iii) of Policy RD3 requires that a proposal does not represent an overdevelopment of the site.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

This reflects Planning Policy Wales 10 that which requires planning authorities should give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

There are no representations raising visual amenity issues.

The proposal is for the erection of an extension to an existing detached ancillary building. The extension would comprise an additional 2 bedrooms and bathroom.

Having regard to the design of the extension, it is considered to be in keeping with the character of the existing building and is subordinate in size and scale to the existing building. It is not considered to raise unacceptable visual amenity concerns as it is connected by a glazed link and is set back behind the existing building. Nevertheless, the application site is located within the AONB and therefore development should be designed to ensure there is no visual harm to the character and appearance of the landscape. As the unit is already in existence, it is not considered the extension would raise unacceptable visual amenity concerns, more than what already exist. However, questions over the principle of the development have been raised, primarily in relation to the unit being used as a separate unit of accommodation which could be tantamount to a new dwelling in the open countryside resulting in potential negative impacts on the AONB if this development sets a precedent for similar schemes within the AONB and elsewhere.



Existing ancillary building frontage

Having regard to the design, siting, scale, massing and materials of the proposed extension, in relation to the character and appearance of the dwelling itself, the locality and landscape within the AONB, it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

4.2.3 Residential Amenity

Criteria iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

The impact of the proposals on visual amenity is therefore a basic test in the policies of the development plan.

The Residential Development SPG states that no more than 75% of a residential property should be covered by buildings.
The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

There are no representations raising residential amenity issues.

The proposal is for the erection of an extension to an existing detached ancillary building. The extension would comprise an additional 2 bedrooms and bathroom.

Given the location of the building, and distances to other properties and orientation of windows it is not considered that the proposal would impact unacceptably on the amenity of neighbouring properties. It is also considered that sufficient garden area would remain for the benefits of the occupants of the main dwelling and users of the ancillary building.

It is considered that the proposals would comply with the requirements of the policies listed above, and therefore the impact on residential amenity would be acceptable.

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the tests of the policies referred to.

4.2.4 Highways

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

Representations have been received regarding the construction of a new access driveway which now forms part of the current application and is shown on the location/site plans. The parking and turning area to the side of the ancillary building has been shown including a new fence to the side screening a private lawned area. Highways Officer's have raised no objection to the proposed driveway and parking arrangements at the site. It is considered that the new driveway serving the ancillary building is not unacceptable on highways grounds.

Officers are of the ~~opinion~~ **opinion** that the new driveway reinforces the impression that the outbuilding functions as separate unit with its own parking and turning space which is completely separate to the main dwelling.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 It is the opinion of Officers that the proposed extension and private access driveway to the ancillary building consolidates the fact that the building is being used as an independent dwelling, physically and functionally separate to the main dwelling which is against Local and National Policies around development in the open countryside and therefore the application is considered to be unacceptable and is recommended for refusal.

5.2 It is not considered reasonable to include occupancy conditions similar to those previously approved under the 2015 permission as a building with 3 proposed bedrooms and all other facilities would clearly be used as a separate residential dwelling. Securing the occupancy of the dwelling to members of the same family through a S106 agreement is also not considered reasonable as it confirms that the building is being used as a separate dwelling by a family member and would not make the development acceptable in planning terms. It also sets a precedent for similar developments in the open countryside, contrary to Local and National Policy.

RECOMMENDATION:

- REFUSE TO GRANT PERMISSION for the following reason:

1. It is the opinion of Local Planning Authority that the proposed extension to an existing ancillary building and formation of private driveway and access would result in the creation of an independent dwelling which is physically and functionally separate to the main dwelling. It has not been demonstrated that there is an essential or exceptional need for a dwelling in this open countryside location. The proposal is therefore considered to be contrary to rural restraint policies and is in conflict with adopted Local Development Plan Policies BSC1, BSC6, BSC8 or BSC9, Technical Advice Note 6, Technical Advice Note 6 Practice Guidance Rural Enterprise Dwellings and advice set out in Planning Policy Wales (Edition 10).

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