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Heading:  
47/2013/1479  
Terfyn/Marian Mills  
Cwm, Dyserth

5

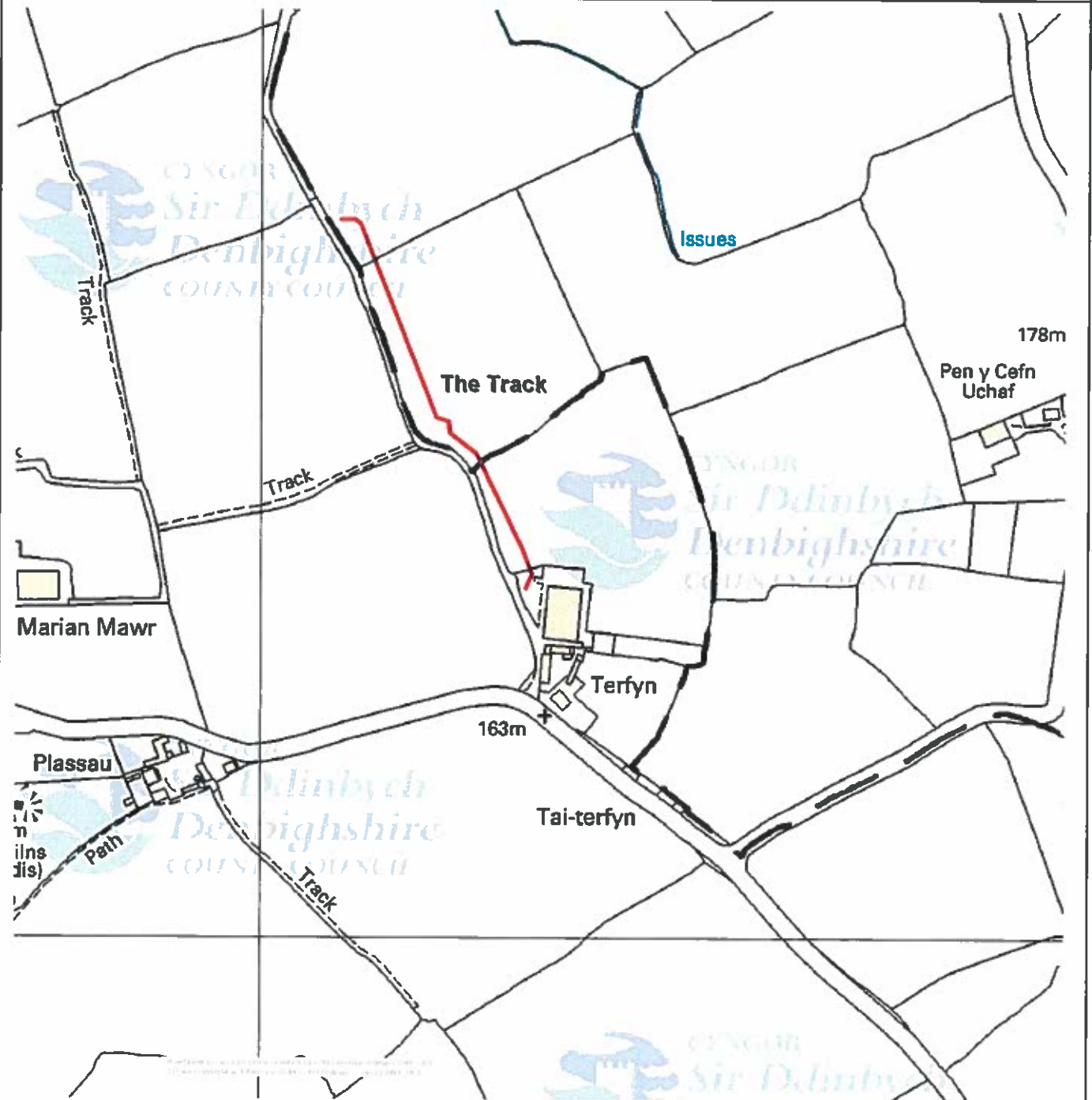
 Application Site



Date 4/3/2014  
Centre = 308250 E 378341 N

Scale 1/5000

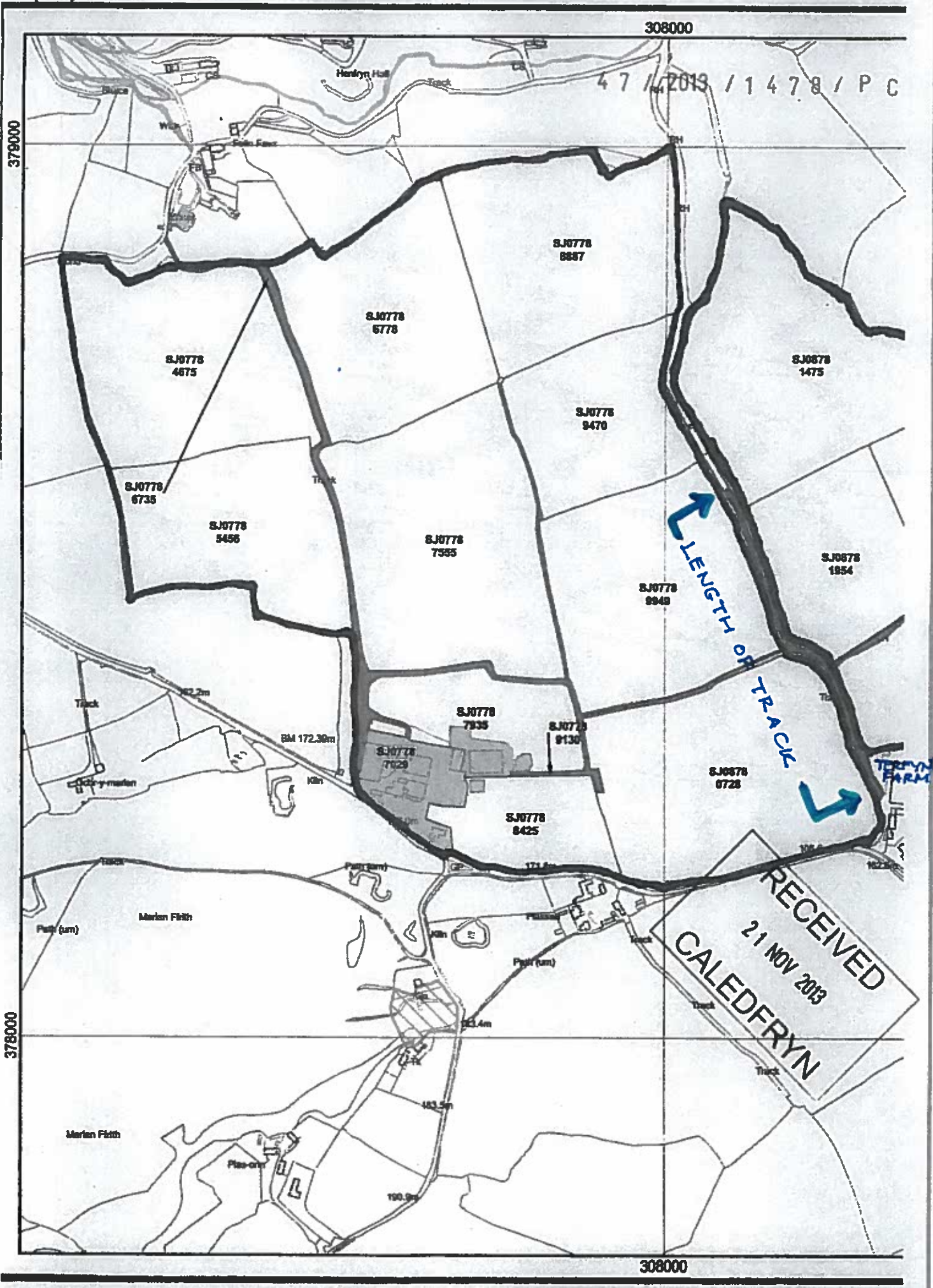
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi  
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# LOCATION



**ITEM NO:** 5  
**WARD NO:** Tremeirchion  
**WARD MEMBER(S):** Councillor Barbara Smith  
**APPLICATION NO:** 47/2013/1478/ PC  
**PROPOSAL:** Maintenance work to track using recycled aggregate to level the area and topped with soft product (Retrospective application)  
**LOCATION:** Track from Terfyn to Marian Mills Cwm Dyserth Rhyl  
**APPLICANT:** Mr Aled Morris  
**CONSTRAINTS:** PROW  
AONB  
**PUBLICITY UNDERTAKEN:** Site Notice - YesPress Notice - YesNeighbour letters - Yes

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

- Recommendation to grant / approve – 4 or more objections received

**CONSULTATION RESPONSES:**

TREMEIRCHION CWM & WAEN COMMUNITY COUNCIL:  
"No objection".

**AONB JAC**

"The JAC is disappointed that this work was carried out prior to applying for planning permission, but supports the principle of appropriate maintenance and improvement of public rights of way which will enhance accessibility and the experience of users. In this context, the committee is concerned that the extent of excavation and importation of fill is somewhat excessive and appears out of character with the rural scene. The committee is also concerned that the quality of the fill material may not be appropriate and would prefer the track to be topped with natural local stone which will blend in with the surrounding landscape. In addition, the JAC would recommend that topsoil is reintroduced to narrow and soften the edges of the new track. Finally, the current application does not appear to fully extend to Marian Mills and the JAC would seek clarification from the applicant as to their intentions for the remainder of this public right of way."(AONB Management Plan Policies PCP1 and PAR3)".

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Head of Highways and Infrastructure

- Rights of Way Officer

Public Bridleway No. 16 is affected by this proposal. There is no objection to the resurfacing of the track providing the surface is finished in a suitable compacted stone material.

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

C. Jones, Terfyn, Ffordd Caerwys, Dyserth

J. Blythman, Terfyn Barn

Mr P & Mrs R Tebbutt, 12 Grenville Avenue, Rhuddlan

Michaela Parry, Tyddyn Y Cyll, Caerwys Road, Dyserth (o)

Mrs S Bell, Tyddyn Y Cyll, Caerwys Road, Dyserth (o)



K. Barrett, Terfyn Cottage, Caerwys Road, Cwm

Summary of planning based representations in objection:

Visual amenity

Appropriateness of materials in rural location.

Other matters

Concerns over materials used in resurfacing.

Query over how development would be used, ie. if the improvements are to facilitate vehicular access.

**EXPIRY DATE OF APPLICATION: 04/03/2014**

**REASONS FOR DELAY IN DECISION (where applicable):**

- timing of receipt of representations

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

1.1.1 Full planning permission is sought for the retention of maintenance work to a length of bridleway from Terfyn Farm to Marian Mills in Cwm. The extent of works is shown on the plan at the front of the report.

1.1.2 The bridleway has been resurfaced using recycled aggregate to level the area and topped with 'soft product' which resembles top soil.

1.1.3 Approximately 400 metres of the bridleway has been resurfaced. The works took place in October 2013.

**1.2 Description of site and surroundings**

1.2.1 The site is located in the open countryside in Cwm, Dyserth. The bridleway runs from the complex at Terfyn Farm north west to Marian Mills.

1.2.2 The bridleway is bounded by hedgerows to both sides.

**1.3 Relevant planning constraints/considerations**

1.3.1 The site is located in outside any development boundary in the Local Development Plan. It is also located within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

**1.4 Relevant planning history**

1.4.1 No recent planning history for works to the bridleway. Applications have been made at Terfyn Farm and a recent planning application was approved by Committee for a wind turbine on land to the north of the bridleway.

**1.5 Developments/changes since the original submission**

1.5.1 None.

**1.6 Other relevant background information**

1.6.1 The application was invited in October 2013 following initial enforcement investigations.

**2. DETAILS OF PLANNING HISTORY:**

2.1 None specific to the track.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

## Policy VOE 2 - Area of Outstanding Natural Beauty and Area of Outstanding Beauty

### 3.2 Supplementary Planning Guidance N/A

Government Policy / Guidance  
Planning Policy Wales Edition 5 November 2012

## 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW 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., and that these 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 (Sections 3.1.3 and 3.1.4).

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
- 4.1.3 Highways

### 4.2 Other matters

### 4.3 In relation to the main planning considerations:

- 4.3.1 Principle  
The application involves development in the open countryside not specifically covered by any particular LDP policy. Planning Policy Wales guidance is relevant to the application; the specific sections of which are set out in the following paragraphs.

- 4.3.2 Visual amenity/AONB  
In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of developments, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. Policy VOE 2 requires assessment of the impact of development within or affecting the AONB 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.

The application proposes to retain the surface of part of a bridleway within the AONB. Approximately 400 metres of the track have been resurfaced with recycled materials. Concerns have been raised over the appearance of the track by adjacent occupiers. The AONB JAC has advised that they are disappointed with the retrospective nature of the application, but raise no objection to its retention subject to the topping of the track with a suitable material.

Whilst it is accepted that the character of the bridleway has been changed in appearance by the resurfacing, it is not considered that the change harms the wider AONB designation or is so detrimental to warrant refusing planning permission for its retention. Officers agree with the suggestion of the AONB JAC to condition topping

the track with a suitable material which would reduce its impact on visual amenity and the AONB.

#### 4.3.3 Highways

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these 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. Access is therefore a standard test on most planning applications.

The proposal involves work on an existing access. The change relates to the materials used in the surfacing of some 400 metres of an existing bridleway. The County Council's Rights of Way Officer has advised that the materials should be compacted to a standard which does not impede or undermine the users of the track, particularly horse riders.

Subject to a condition to ensure the bridleway is topped with a suitable material, it is considered that the proposal is acceptable in terms of highway safety.

#### 4.3.4 Other matters

The concerns of the objectors regarding the materials used on the track have been investigated. The Council's Rights of Way Officer has carried out investigations with Natural Resources Wales to ascertain what materials have actually been used. Initial investigations showed a small amount of contaminants in the recycled materials (ceramics and a small amount of glass), on the orders of NRW these were subsequently removed. NRW advised a return inspection would be made after winter in case other contaminants emerged. The Rights of Way Officer has visited the site recently to monitor the situation and is satisfied that the contaminants were localised, and subject to the topping of the bridleway has advised that the materials would be acceptable. Considering the need to re-check the site for contaminants it is considered prudent to require the condition for the resurfacing to be complied with within two months of the date of the planning permission.

Regarding the comments of the objectors relating to the need for the access improvements to facilitate the wind turbine development, in this case the purpose of the improvements are not known. However Officers consider that these are not of particular relevance to the decision on the planning application as the landowner would have rights of way over the bridleway.

## 4 SUMMARY AND CONCLUSIONS:

5.1 The retention of the resurfacing is considered acceptable under the relevant policies and is recommended for grant.

**RECOMMENDATION: GRANT** - subject to the following conditions:-

1. Notwithstanding the submitted details, the surface of the bridleway to which this application relates shall be topped off with suitable local small stone and compacted, within two months of the date of this planning permission. The details of the stone shall be submitted to and approved in writing by the Local Planning Authority prior to any surfacing taking place.

The reason(s) for the condition(s) is(are):-

1. In the interest of visual amenity, and the safety of users of the bridleway.

## NOTES TO APPLICANT:

None