

Heading:

REFERENCE NO. 21/2014/0096/PF & 21/2014/0032/PC  
BIG COVERT  
MAESHAFN

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 Application Site

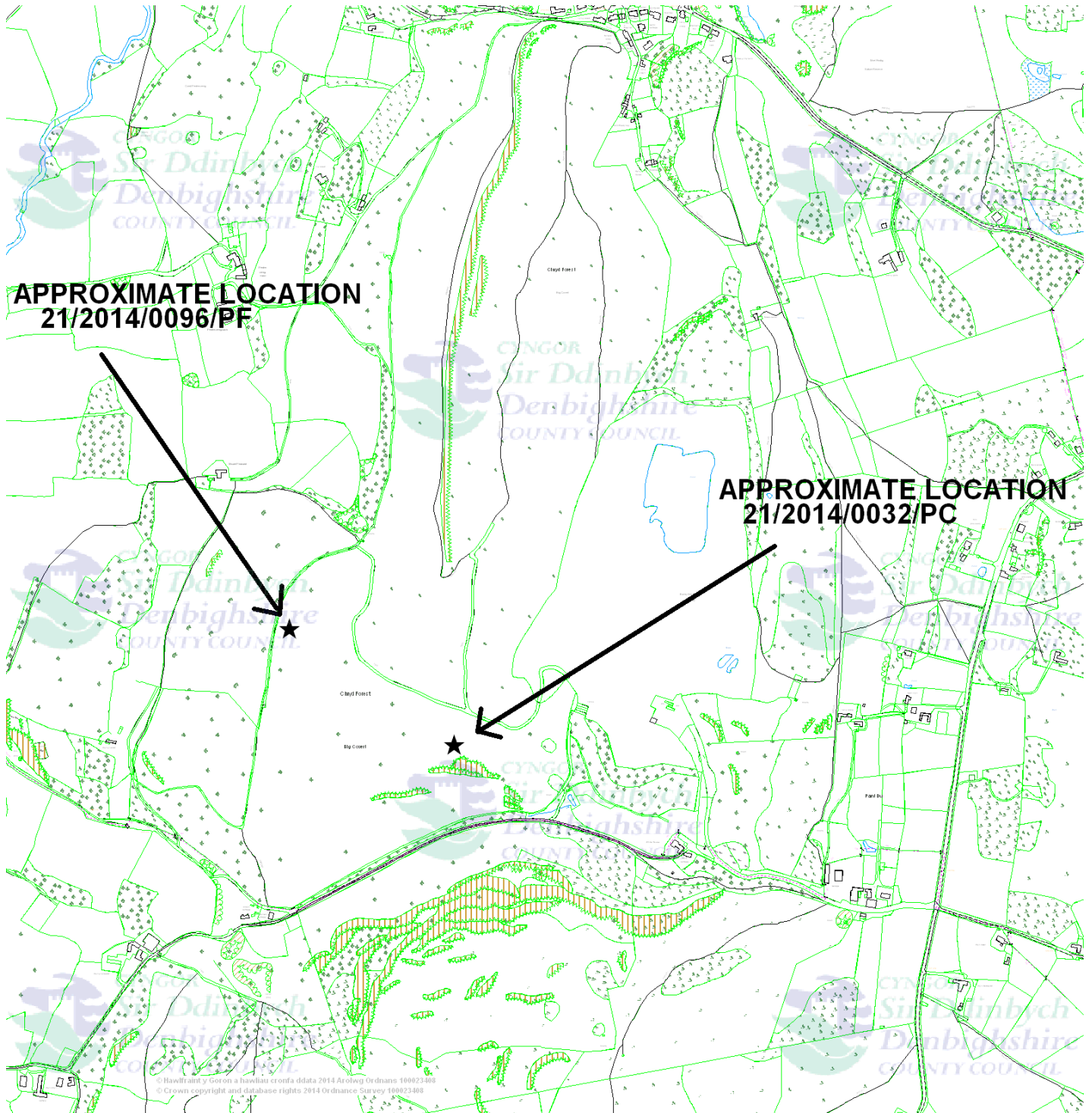


Date 29/1/2015

Scale 1/10000

Centre = 320073 E 360006 N

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 © Hawlfraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawlfraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.



# SITE PLAN

Land Registry  
Official copy of  
title plan

Title number CYM579458  
Ordnance Survey map reference SJ1652NE  
Scale 1:1250 enlarged from 1:2500  
Administrative area Denbighshire / Sir Ddinbych



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RECEIVED  
31 MAR 2014  
CALLED BY W/RECEPTION

STORE  
SHELTER

Store  
shelter

Existing  
Access  
road

This official copy issued on 15 March 2013 shows the state of this title plan on 29 January 2013 at 12:10:51. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.

This title is dealt with by Land Registry, Wales Office.

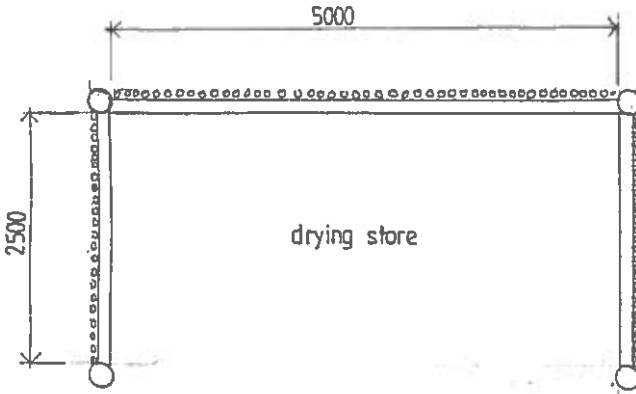
21 / 2014 / 0096 / P F +



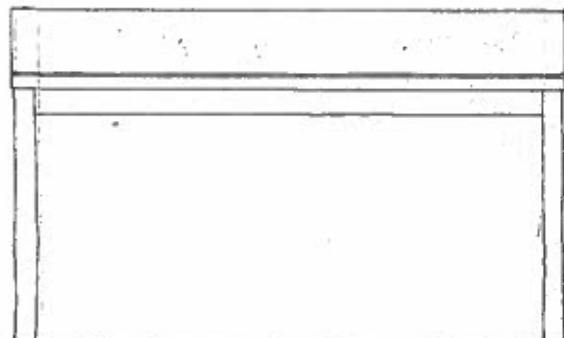
NOTES  
 THIS DRAWING IS FOR PLANNING PURPOSES ONLY  
 RECOMMEND STRUCTURAL ENGINEER DETERMINES POST, BEAM  
 TRAPPER SIZES

# STORE PLANS

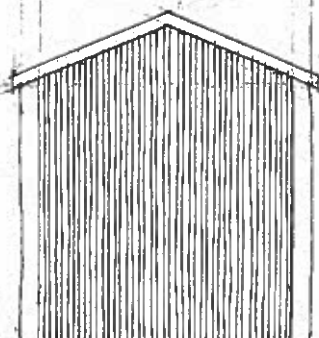
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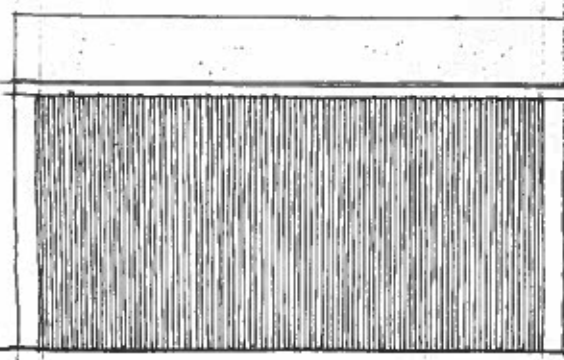
PLAN



FRONT ELEVATION



SIDE ELEVATIONS



REAR ELEVATION

GREEN WOODEN PAUL ROOF

NUMBER FRONS AND VERTICAL NUMBER PLINGS

NUMBER SOURCED FROM WOODLAND



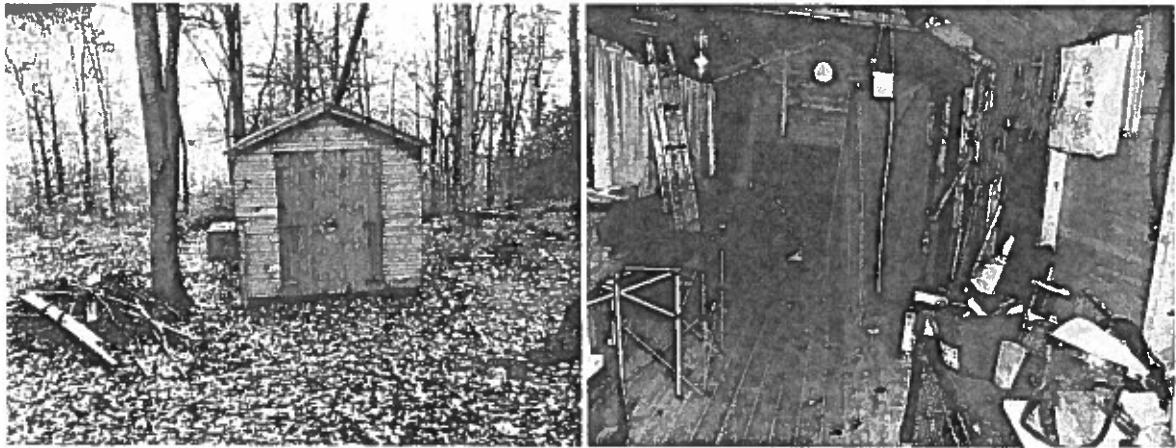
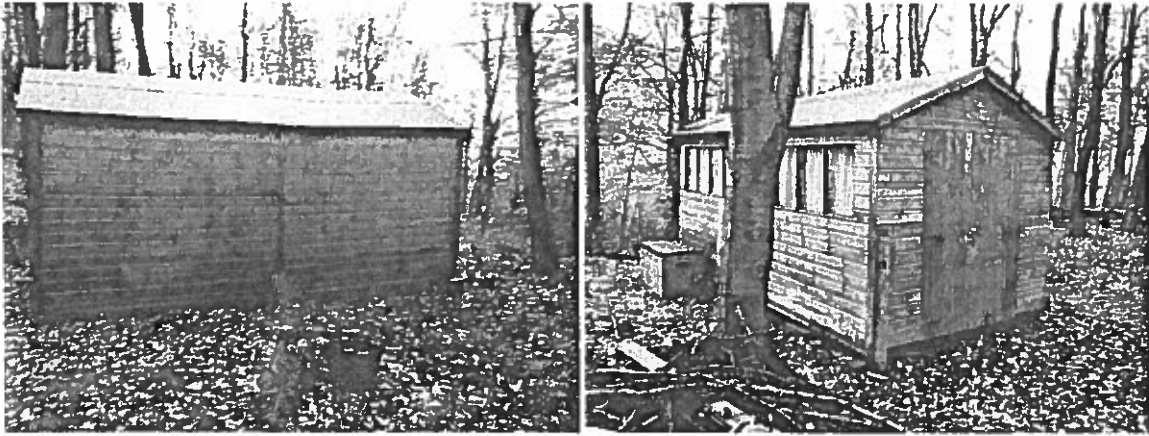
PROPOSED DRYING STORE  
 COED CERRIG  
 MAES ATHEN  
 SCALE 1:50  
 DATE DEC 2013

2 1 / 2014 / 0096 / PF



# SHELTER

*Photographs of Existing Welfare Shelter at Coed Cerrig, Maeshafn*



The above shows the shed in situ, and the proposed wood store will lie at 90° to the existing shed, in an area already cleared, thus there will be no unnecessary tree felling to accommodate this store.

4.8m x 2.4m  
2.9m height





**WARD :** Llanarmon Yn Ial / Llandegla

**WARD MEMBER(S):** Cllr Martyn Holland

**APPLICATION NO:** 21/2014/0096/ PF

**PROPOSAL:** Retention of existing shed and erection of wood store (partly in retrospect)

**LOCATION:** Clwyd Forest Big Covert Maeshafn Mold

**APPLICANT:** Mr Robert Payne

**CONSTRAINTS:** AONB

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

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

- Recommendation to grant / approve – Town / Community Council objection
- Member request for referral to Committee

**CONSULTATION RESPONSES:**

**LLANFERRES COMMUNITY COUNCIL:**

"The Community Council strongly opposes this application due to the detraction it has from the essential nature of the woodland. The amount of work to be carried out does not warrant the erection of a shed or store.

Under the Planning Development Act Part 5 it may allow a forestry worker to live in a caravan if the property exceeded five acres for up to twenty-eight days.

There were grave concerns with regard to the proliferation of such buildings if a precedent was set; it is within the AONB, such a structure would not be allowed in open country within green belt land. The area is also covered by a National Trust covenant have they been approached for their opinion".

**AONB JAC:**

"The JAC deplores the retrospective nature of this application and objects to the incremental and piecemeal introduction of a variety of sheds and other structures into Big Covert following the break-up and sale of much of the woodland into a number of separate plots. This application, when taken together with other similar applications in the area and other developments for which no applications have yet been submitted, is changing the previously unspoilt woodland character and associated tranquillity of Big Covert as well as undermining opportunities for informal countryside access and recreation which have been enjoyed by local people for many years.

The committee supports the preparation of a woodland management plan which has submitted with the application, but is very disappointed that the Design and Access Statement accompanying the application fails to take account of the implications for the AONB.

The JAC is also concerned that, if approved, this application would set a precedent for a proliferation of similar developments on the other plots which would result in further harm to the character of the woodland and would be difficult to resist. It is accepted that there may be a forestry case for an appropriately sited and designed new storage/rest-room building to facilitate proper management of the woodland, but the JAC would prefer a single development to service the entire woodland rather than the piecemeal approach which has emerged.

The JAC also notes that the site is on land subject to a National Trust Covenant and would recommend that they be consulted on the application. (AONB Management Plan Policies: PSQ1, PSQ2, PCP1 and PCP2)”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
Biodiversity Officer  
No objection.

#### **RESPONSE TO PUBLICITY:**

In objection:

C. Marshall, 12 Bryn Eithin, Gwernmynydd, Mold, Flintshire, CH7 5NG

Lee Matthews, Bushley, Village Road, Maeshafn, Mold.

John Pearson, National Trust, Erddig, Wrexham

Summary of representations:

Visual impact - concerns over scale and nature of the development, impact on AONB.

Principle - Concerns over proliferation of structures in woodland should additional units be sold off.

Covenant - National Trust own a Covenant on the land.

Other matters:

Covenant - National Trust are the beneficiaries of a Covenant on the land.

**EXPIRY DATE OF APPLICATION: 25/05/14**

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

- additional information required from applicant
- awaiting consideration by Committee

#### **PLANNING ASSESSMENT:**

##### **1. THE PROPOSAL:**

###### 1.1 Summary of proposals

- 1.1.1 Retrospective planning permission is sought for the erection of a wooden tool store and the erection of shelter for managing the woodland at Coed Cerrig, a parcel of land at the Big Covert, Maeshafn.
- 1.1.2 The stained timber shed measures 4.8 metres in length by 2.4 metres in width with a shallow pitched roof with an overall height of 2.9 metres. The wood drying shelter would comprise of a timber open fronted structure measuring 5 metres in length by 2.5 metres in width with an overall height of 3.2 metres.
- 1.1.3 The buildings would be sited on a clearing in the western side of the 2.14 hectare forestry plot within Big Covert owned by the Applicant.
- 1.1.4 The plot is accessed from an existing forestry track.
- 1.1.5 The applicant indicates that the building is required to facilitate woodland management by allowing for storage for tools and equipment and shelter in inclement weather. The store would be for drying cut timber.

###### 1.2 Description of site and surroundings

- 1.2.1 The site is within the Big Covert, an 82.5 hectare plantation to the south of the village of Maeshafn. Planted in the 1950's the woodland comprises of Scots Pine and Beech.

1.2.2 The plot is located approximately 1km south of the Maeshafn Village access to the woodland.

1.3 Relevant planning constraints/considerations

1.3.1 The site is in open countryside outside any development boundary. It is also within the Clwydian Range and Dee Valley AONB.

1.4 Relevant planning history

1.4.1 The planning application was submitted following an enforcement investigation in 2013.

1.5 Developments/changes since the original submission

1.5.1 Additional information was submitted in support of the application following the initial assessment; these details include a copy of a 'Thinning Licence' issued by NRW, a Protected Species Assessment made in support of the Licence and a letter of support from Mike Hughes, the Councils Coed Cymru/Woodland Officer.

1.6 Other relevant background information

1.6.1 This application is one of two on the Agenda involving woodland sheds at Big Covert. Officers have delayed the consideration of this application to ensure the applications are considered together.

**2. DETAILS OF PLANNING HISTORY:**

2.1 None

**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 Government Policy / Guidance

Planning Policy Wales Edition 7 2014

Technical Advice Notes TAN 6 – Planning for Sustainable Rural Communities

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 2014 (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/ Landscape impact/ AONB Considerations

4.2 In relation to the main planning considerations:

4.2.1 Principle

Given the nature of the proposal for forestry developments outside any development boundary, the main issue is considered to be whether there is sufficient justification for a building and whether the siting and visual impacts are appropriate.

The national planning system accepts there will be a need for agricultural and forestry development in the open countryside. There are a range of 'permitted development' outlined in the GDPO which can be undertaken without the need for planning permission. The Order introduced the Prior Approval system requiring the details of certain proposals to be submitted to the local planning authority to allow assessment of the need for further detailing of siting, design, and external appearance.

Paragraph A14 of TAN 6 provides advice to local planning authorities when dealing with Prior Approval submissions. The guidance on siting and design set out in Paragraph 14 is considered useful and relevant for the subject application as it states that *"The siting of a new agricultural or forestry building, road, excavation or waste deposit, or fish tank can have a considerable impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost."*

Considering this is an existing well established woodland, the nature of the development proposed and the amount of land owned, it is Officers opinion that the need for the small storage building and store can be justified, to house equipment etc necessary to carry out relevant maintenance work on the woodland. Furthermore the Applicants intentions have been demonstrated in the supporting Woodland Management Plan. The existing building is of relatively small scale, not dissimilar to a 'garden shed'. The building would be removable should the use cease therefore Officers would suggest a condition requiring removal on cessation of the use, if permission is granted.

With regard to the above guidance it is considered that the proposal is acceptable in principle. Assessment of the localised impacts follows.

#### 4.2.2 Visual amenity/ Landscape impact/ AONB Considerations

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 buildings, 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 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.

The site is located in the open countryside in substantial woodland close to the village of Maeshafn. The site is visible from nearby public rights of way. Concerns have been raised by the AONB JAC over the retrospective nature of the development, the impact on woodland character, the principle of such developments generally in the woodland, and the precedent that may be established if permission is granted for this type of development.

In Officers opinion, there are issues to address in terms of impact on the character of the woodland, but given the scale and detailing of the buildings, their siting within a significant area of woodland and the topography of the land it is not considered that its presence would have such a detrimental visual amenity impact of the area or the

AONB designation to warrant refusal of planning permission. It is considered therefore the proposal is acceptable in terms of visual, landscape, and AONB considerations.

#### 4.2.3 Other matters

The AONB JAC and objectors have raised concerns over the subdivision of the Big Covert into smaller plots, the restriction of public access in the Big Covert and a National Trust legal covenant on the land. These issues are not material planning considerations or issues that the Local Planning Authority can get involved in. The subdivision of the Big Covert into smaller plots is the prerogative of the landowner. How subsequent landowners secure their plots is also a matter for them. Officers are aware that the Councils Rights of Way Officer has been investigating whether rights of way are being limited by plot owners, however the proposed development does not directly affect any right of way therefore this issue is not relevant to the decision on this application. Finally the issue of any restrictive covenant is a civil law issue, which would have to be pursued by the National Trust via the Courts rather than the planning process. All the Local Planning Authority can do in relation to this matter is to bring it to the attention of the Applicants via a 'Note to Applicant'.

### 5. SUMMARY AND CONCLUSIONS:

- 5.1 Whilst this application raises some difficult issues, the material planning considerations are limited. The application only proposes to retain a building for forestry purposes and it appears that a genuine case has been made for the need.
- 5.2 To alleviate fears of inappropriate or unlawful uses it is suggested that a planning condition is attached to control the use and a condition is also suggested for the removal of the building should the need for it cease.
- 5.3 Taking into account the details and policies relating to the case it is considered that the impacts would not be unacceptable, and it is therefore recommended that permission be granted.

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

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. The use of the buildings shall be for the purposes described in the application documents only, namely for the storage of tools and shelter. The buildings hereby permitted shall not be used for any residential purpose including overnight accommodation.
3. Should the use of the buildings for forestry cease the structures shall be removed from the land within 6 months of the date of the cessation of the use and the land shall be restored to grassland no later than 3 months from the date of removal of the building unless otherwise agreed in writing by the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of rural restraints policies.
3. In the interest of landscape and visual amenity.

### **NOTES TO APPLICANT:**

Civil Law Issue

The LPA have been advised that the site may be subject to a Legal Covenant involving the National Trust. You are advised to contact John Pearson, Land Use Planning Advisor, on 01978 340 800 or 07770 496701 to discuss this matter.