

# SITE PLAN

**NOTES**  
 1. THIS DRAWING IS FOR PLANNING PURPOSES ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE.  
 2. DO NOT SCALE OFF THIS DRAWING.  
 3. ANY DIMENSIONS ARE TO BE REPORTED IMMEDIATELY TO THE CLIENT/ARCHITECT.



**DESIGNED BY (INDIVIDUAL)**  
 A. Drawing made in accordance with the provisions of the Planning and Design Code 2015.

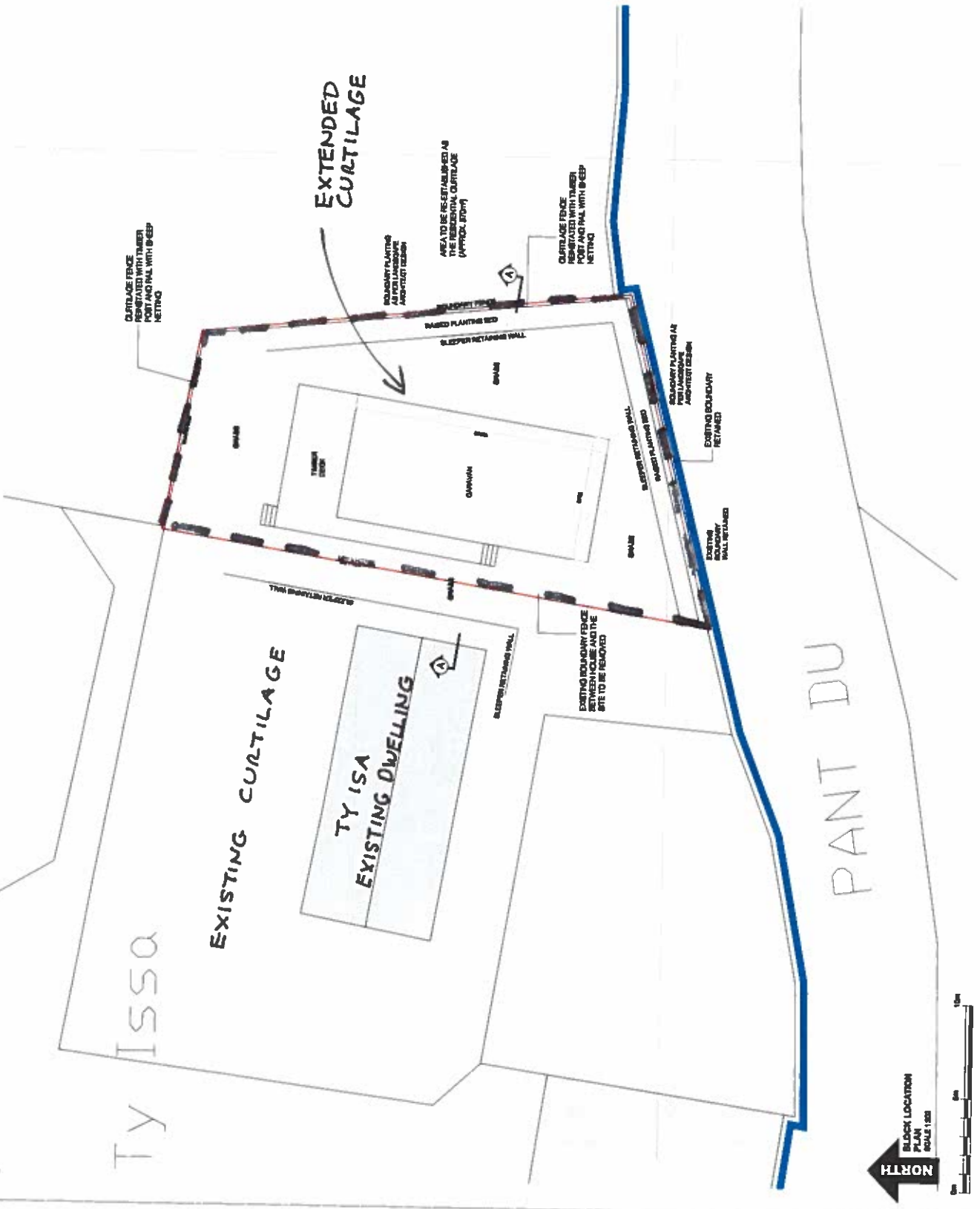
**DATE**  
 15/05/2024

**PROJECT NAME**  
 RESUBMISSION OF THE RESIDENTIAL CURTILAGE

**CLIENT**  
 Ty Issa

**PLANNING APPLICATION**

**SCALE**  
 1:500





**WARD :** Llanarmon Yn Ial / Llandegla

**WARD MEMBER:** Councillor Martyn Holland

**APPLICATION NO:** 15/2016/0842/ PF

**PROPOSAL:** Continuation of use of land as extension to residential curtilage

**LOCATION:** Ty Isa Pant Du Road Eryrys Mold

**APPLICANT:** Mrs Lesley Phillips

**CONSTRAINTS:** PROWAONB

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

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

- Recommendation to grant – Community Council objection

**CONSULTATION RESPONSES:**

**LLANARMON YN IAL COMMUNITY COUNCIL:**

“This community council does not support this application what-so-ever. The garden has never been extended previously. Council know that it has always been a field. Council objected and it was NOT Supported.”

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

“The Joint Committee has no objection to the proposed development subject to the north, south and east boundaries of the new residential curtilage being supplemented by a traditional hedge and selected hedgerow trees comprising native local species. In addition, the committee would recommend that permitted development rights should be withdrawn by condition”

**RESPONSE TO PUBLICITY: None**

**EXPIRY DATE OF APPLICATION: 17/10/16**

**EXTENSION OF TIME AGREED TO 17/3/17**

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

- additional information required from applicant
- protracted negotiations resulting in amended plans

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 Planning permission is sought for the continuation of the use of an area of land as an extension to the residential curtilage of an existing dwelling.
- 1.1.2 The area measures 250 square metres, is in the shape of a triangle, and is to the east of and immediately adjacent to the residential curtilage of the dwelling Ty Isa, Eryrys.

- 1.1.3 The proposal also includes a landscaping and planting scheme.
- 1.1.4 The plan at the front of the report shows the basic proposals and the relationship with the existing dwelling.

#### 1.2 Description of site and surroundings

- 1.2.1 Ty Isa is a six-bedroom detached house located in the south eastern corner of an old farm complex which contains a number of agricultural buildings to the western side, open fields to the rear (north) and across the road to the front (south), and a paddock to the east.
- 1.2.2 Ty Isa is in open countryside some 1.5km to the north of Eryrys. It is accessed via an un-adopted road which runs west to the old Burley Hill Quarry from a junction with the Eryrys – Nercwys road.
- 1.2.3 The extended curtilage bounds the minor road on its south side and is visible from distance along the Eryrys and Nercwys road.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is in the open countryside and within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

#### 1.4 Relevant planning history

- 1.4.1 There have been a number of applications over the years relating to the equestrian use and extensions to the dwelling at Ty Isa, and one for the erection of an agricultural workers dwelling (refused in 2014, and the subject of an unsuccessful appeal).
- 1.4.2 Of particular relevance to this application are permissions granted in 1995 and 1999 which permitted the change of use of land and buildings at Ty Isa – including the land forming the subject of the current application - from agricultural to equestrian use. This established the use of the land in question in connection with the equestrian use.

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

- 1.5.1 At the case officer's site visit, it was noted that a caravan had been sited on the land forming the subject of the application, and that the land had been fenced off.
- 1.5.2 The issue of the caravan is not one for consideration as part of the current application. Whilst it has been shown on plans submitted with the application, the proposal in front of the Council is solely the use of land as an extension to the residential curtilage of Ty Isa.

#### 1.6 Other relevant background information

- 1.6.1 None

## **2. DETAILS OF PLANNING HISTORY:**

- 2.1 25/14605 Change of use from agricultural to horse livery. GRANTED 13/04/1995
- 2.2 15/240/99 Alteration to existing curtilage and continued use of land as horse school GRANTED 01/07/1999

- 2.3 15/2002/0853 - Use of part of land and buildings forming part of horse schooling centre, for storage and restoration of classic motor cars and light goods vehicles - GRANTED  
25/09/2002
- 2.4 15/2010/1481 - Erection of two-storey pitched-roof extension to side of dwelling - Erection of two-storey pitched-roof extension to side of dwelling - GRANTED 31/01/2011
- 2.5 15/2010/0293 - Erection of two-storey pitched-roof extension to side of dwelling – REFUSED  
03/06/2010
- 2.6 15/2013/1272 - Erection of rural enterprise worker's dwelling on 0.05 hectares of land, construction of new vehicular access and installation of new septic tank – REFUSED  
16/04/2014 Dismissed on appeal.

### 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 VOE2** – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note: Landscaping

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

### 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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' (PPW section 3.1.3). 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 (PPW section 3.1.4). Development Management Manual 2016 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 (DMM section 9.4).

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 and impact upon AONB

4.1.3 Agricultural land

Other matters

Well – being of Future Generations (Wales) Act 2015

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales 9, 2016 (PPW) confirms the general 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).

There are no policies within the adopted development plan of specific relevance to the principle of extending a residential curtilage. Impact on the AONB is dealt with below. PPW and the Management Manual 2016 confirm that impact on the neighbourhood and on the environment are material considerations, hence due regard needs to be had to the effect on the character of the surrounding area.

It is considered therefore that the principle of a minor extension to a residential curtilage is not unacceptable, subject to assessment of the local impacts of the particular proposal.

#### 4.2.2 Visual amenity and impact upon the AONB

Policy VOE 2 states development proposals within or affecting the AONB that would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation will not be permitted.

The AONB committee have not raised an objection to the proposal, subject to the north, south and east boundaries of the new residential curtilage being supplemented by a traditional hedge and selected hedgerow trees comprising native local species.

In respect of the AONB committee comments, the proposal includes a landscaping/planting scheme which indicates how the site boundary would be treated, in the interest of protecting the character of the open countryside and AONB. A number of mature trees are proposed (Wayfaring tree, field maples and downy birch) along with hedgerow planting to supplement the boundary fence. The proposed native hedgerow would consist of Hawthorn, Blackthorn, Dog rose and Guelder rose, planted as 60/90cm tall, 2yr old transplants.

In officers' opinion, the continued use of this relatively limited area of land for purposes incidental to Ty Isa would not have a detrimental impact on the visual amenities of the area or the character of the AONB, subject to implementation of the proposed landscaping and planting scheme. It is therefore considered acceptable in this respect subject to the implementation of the planting plan.

#### 4.2.3 Agricultural land

Planning Policy Wales (Section 4.10.1) obliges considerable weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification system of the Department for Environment, Food and Rural Affairs. This land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. PPW indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

In relation to agricultural land quality, DEFRA's Agricultural Land Classification map indicates land in this area falls within Grade 5, which the lowest quality agricultural land.

The proposal to use some 250 square metres of Grade 5 land is not in conflict with the principles of Planning Policy Wales in relation to loss of Agricultural land.

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 been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. 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 considered that the proposal would not have an adverse impact upon the character of the AONB, and there are no agricultural land quality issues to address.

5.2 In noting the Community Council's objections, these respectfully raise no land use planning grounds as a basis for refusal.

5.3 With regard to the AONB Committee's request that Permitted Development Rights be removed, it is considered that the limitations already in place as a result of the site being within the AONB are sufficient to control potential future development on the extended curtilage.

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

1. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the grant of this permission; and any trees or plants which within a period of 5 years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:  
(i) Block plan (Drawing No. A1234-A-101) received 23 August 2016 (ii) Location plan (Drawing No. A1234-A-100) received 23 August 2016

The reasons for the conditions are:-

1. In the interest of visual amenity and protecting the character of the AONB.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.