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20/2016/0164/PO

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SITE PLAN

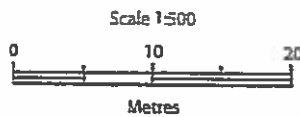
202016/0164/P0



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REVISED PLAN



□ 135 sqm
 ■ 90sqm

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Date Of Issue: 20 January 2016
 Supplied By: Getmapping
 Supplier Plan Id: 158400_500
 OS License Number: 100030848
 Applicant: Huw Evans
 Application Reference: Graigfechan Block

13 JUN 2016

Proposed Erection of Two Affordable Local Needs Dwellings at Ty Coch, Graigfechan LL15 2HB

Block Plan Rev1 Huw Evans Planning

Scale 1:500 June 2016

APPLICANT'S INTERPRETATION OF 'CLUSTER' OF EXISTING DWELLINGS

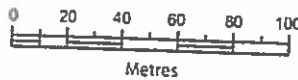
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Ty Coch, Graigfechan, Ruthin

26 FEB 2016

Scale 1:2500



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Date Of Issue: 20 January 2016
 Supplied By: Getmapping
 Supplier Plan Id: 158399_2500
 OS License Number: 100030848
 Applicant: Huw Evans
 Application Reference: Graigfechan

**Proposed Erection of Two
 Affordable Local Needs Dwellings
 at Ty Coch, Graigfechan LL15 2HB**

Cluster of Existing Dwellings

- Settlement Boundary
- Cluster

Huw Evans Planning

Scale 1:2500

February 2016

WARD : Llanfair Dyffryn Clwyd / Gwyddelwern

WARD MEMBER: Councillor Hugh Evans

APPLICATION NO: 20/2016/0164/ PO

PROPOSAL: Development of 0.1 ha of land by the erection of 2 no. local needs affordable dwellings (outline application - all matters reserved)

LOCATION: Land at Ty Coch Farm Graigfechan Ruthin

APPLICANT: Mrs Ffion Morgan

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

LLANFAIR DC COMMUNITY COUNCIL –

“Our local Councillor looked at the application and was concerned about the scale of the houses shown. He was also concerned about a reference to the survey carried out by the Community Council on affordable housing. He spoke with the applicant’s father and raised his concerns about the scale of the houses shown on the plan and the reference to the Community Council’s survey which was not recognised by the County Councils Housing Advisor, despite being carried out by a member of the County Council on our behalf. The father said he would get the drawings revised and send in the amendments in order that the Community Council could give their response. Generally the Community Council would like to support this application as it is for affordable housing for two Welsh speaking families. We therefore request that this application be deferred until the new amended drawings and information have been received.”

NATURAL RESOURCES WALES

No objection.

DWR CYMRU WELSH WATER

Standard comments relating to the septic tank and water connections.

WALES & WEST UTILITIES

Note that apparatus is nearby in the area.

GRWP CYNEFIN

Have undertaken a detailed assessment of eligibility for inclusion on the register for affordable housing. In relation to the two families involved:

- Mr A. Jones and Miss R. Hughes – confirm the applicant is eligible to be registered for self build affordable home ownership from 14/12/2016
- Miss F. Morgan – confirm that the applicant does not qualify to be registered for self build affordable housing as they are not currently eligible to obtain a mortgage to be able to purchase / build a property.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HIGHWAY OFFICER –

No objection subject to conditions relating to a satisfactory access and the provision of adequate parking/turning facilities.

PLANNING POLICY OFFICER –

Notes that the site is not within a town/village development boundary or hamlet area of search as identified in the Denbighshire Local Development Plan (LDP) and is therefore classed as open countryside. The site does not fulfil criterion ii) of LDP policy BSC 8 'Rural Exception Sites' and therefore is not considered to be a 'rural exception site'. New residential development in open countryside is considered under LDP policy BSC 9 'Local connections affordable housing within small groups or clusters', which allows for affordable housing only within 'small groups or clusters'. The site does not meet criterion i) of the policy, which requires 'infilling of a small gap between buildings within a continuously developed frontage'. It is therefore considered that the proposal does not meet the policy requirements of the adopted Local Development Plan.

HOUSING STRATEGY AND DEVELOPMENT OFFICER

Advises that there is a small housing need for the area, and that this is assessed by Grwp Cynefin as part of their remit in operating the Affordable Housing Register and as such the decisions made on who qualifies to be in the register are impartial. As Grwp Cynefin operate the register for the whole of North Wales it also means that the same criteria is applied across the region.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 14/09/2016

REASONS FOR DELAY IN DECISION (where applicable):

- Protracted dialogue with the agent and Grwp Cynefin in relation to the assessment of eligibility for affordable housing.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application is submitted in outline form with all matters reserved for the erection of two dwellings in an open field on land to the east of the farm house of Ty Coch.
- 1.1.2 No details of the dwellings are provided other than an indicative layout plan indicating the siting of two detached dwellings side by side facing the road with access taken off the highway.
- 1.1.3 The submitted application form suggests that each dwelling will have a footprint of around 60 sq.m with a depth of between 6 metres to 8 metres and a length of between 9 metres and 11 metres, with a height ranging from 6.5 metres up to 8 metres. Additional information received in June 2016 shows a reduced footprint for both dwellings on the block plan, each unit being some 9m x 5m, i.e. 45sq.m footprint.
- 1.1.4 The application is accompanied by a Design & Access Statement and a Planning Statement which provide background information on the case for the grant of permission.
- 1.1.5 The Planning Statement has the heading 'Proposed Local Needs Affordable Dwellings'. It sets out the context and justification for the proposal in terms of the local development plan and national planning policy. Relevant to the planning considerations are reference to:
 - Policies BSC8 and BSC9 of the Local Development Plan, Planning Policy Wales 8 section 9, TAN 2 and TAN 6. The commentary indicates that the policies allow for affordable housing subject to meeting criteria, that the community's need for affordable housing is a material planning consideration, can contribute to the delivery of sustainable communities, and maintain the social cohesiveness of rural communities.

- In relation to affordable housing need in Graigfechan, it is stated there is limited supply of housing as new build is restricted to infill plots within the settlement boundary, and historically suitable plots have been developed. There is one allocated site capable of accommodating 10 dwellings, which if developed would be expected to deliver 2 affordable units in accordance with policy. It is suggested that as no application has been submitted on this site since the allocation in 2013, and the land is still being advertised for sale, the lack of interest suggests there must be considerable doubt that the site will be brought forward within 5 years from adoption. It is also questioned whether the allocated site is capable of accommodating the 10 units and that the Council does not have the required 5 year supply of housing there is a need to optimise the potential of sites to deliver new open market houses wherever possible.
- House prices in Graigfechan are relatively high. There is little prospect of converting existing buildings on the farm to provide the required accommodation. Part of the farmhouse has been converted to provide a separate dwelling for another member of the family.
- The site is on land in family ownership 100m outside the settlement boundary.
- The applicants' need and family composition are such that they each require a minimum of 3 bedroomed accommodation.
- The two applicants are from the same family, born and bred on Ty Coch farm, Welsh speaking, registered with Grwp Cynefin as in need of affordable housing in the area. They are anxious to live in the community where they were brought up and to maintain local connections.
- It is recognised that local needs affordable houses must be available in perpetuity and it is accepted that any permission would be subject to an appropriate agreement under S106 of the Planning Act to ensure the dwellings remain affordable whilst the need exists.
- In terms of planning policy, it is accepted that whilst the proposal does not strictly comply with BSC8 as the site does not adjoin the development boundary, other factors should be taken into account – the built settlement pattern and the location of existing dwellings separated from the boundary by a gap of only 40m; the proposal would not result in a fragmented form of development or ribbon development; the gap between the site and the development boundary forms one of the few logical opportunities to extend the development boundary to accommodate the future needs of the village in a modest and sustainable way; the proposal would fit neatly into the settlement pattern and would not form an intrusive feature in the landscape; traffic generated would cause no problems; all detailed matters of design can be dealt with at reserved matters stage; a legal agreement would secure the units as affordable in perpetuity; the site is located within a cluster / small group of dwellings typical of the settlement character in this area, there are 6 properties on both sides of the road within an area of 250m
- In summary:
 - * it is contended that the proposal meets the spirit of Policy BSC8 in making provision for local needs housing, and the detail of BSC9
 - * the applicants qualify for an affordable dwelling in line with policy (financially eligible, current accommodation is unsuitable, and there is local connection with the area
 - * the development fits in with built character of the area and there is no unacceptable intrusion into open countryside
 - * there is need for affordable dwellings and no indication that other suitable properties will become available in the near future

* the opportunity for local Welsh speaking families to remain in the area will support the traditional social fabric of the area in line with the Council and Welsh Government objectives and aspirations.

1.2 Description of site and surroundings

- 1.2.1 The site is open in nature and forms part of a larger field to the north and east with further fields across the road to the south and the farmhouse to the west. The land is bounded by a hedgerow alongside the road to the south but is otherwise open in nature as illustrated by the following photographs:



1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies outside of the development boundary of Graigfechan village in an area without any specific designation in the Local Development Plan. Measured along the access road leading out from Graigfechan, the nearest part of the development boundary is approximately 100m to the west.

- 1.3.2 The site is within the Clwydian Range and Dee Valley AONB.

1.4 Relevant planning history

- 1.4.1 There have been three previous refusals for residential development at the site, in 2006, 2007 and 2011. The 2006 and 2007 refusals were in relation to a single dwelling (reasons for refusal being development outside the development boundary / site not within a group of dwellings/ no special circumstances including on basis of local housing needs / piecemeal development; site within AONB). The 2011 refusal was in relation to a proposal for 3 dwellings and was refused along similar lines, with 3 reasons – outside development boundary / in open countryside / affordable needs case not in accord with policy; site within AONB; highway concerns.

1.5 Developments/changes since the original submission

- 1.5.1 Additional information was submitted by the applicant's agent in June 2016. This was provided in response to concerns raised by the Community Council and confirmed revisions have been made to the footprint of the dwellings.
- 1.5.2 In accordance with established practice, Grwp Cynefin have been asked to assess and conclude on whether the two families involved are eligible for registration for affordable home ownership. The agent has also assisted in clarifying matters raised via Grwp Cynefin in relation to the assessment of need and eligibility.
- 1.5.3 The conclusions of Grwp Cynefin are referred to in the consultation responses section of the report, and are that one family are eligible to be registered for self build affordable home ownership, and one is not.
- 1.5.4 In response to the Grwp Cynefin conclusions, the applicant's agent has advised that in respect of the non qualification for registration on the basis of not being eligible to obtain a mortgage to purchase or build a property, the applicant's parents are willing to provide financial support to make up the shortfall. He has asked for the application to be referred to Committee for determination as submitted.

1.6 Other relevant background information

- 1.6.1 None.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 20/2006/0180 – Development of 0.047 hectares of land by the erection of a single dwelling and construction of access: Refused 16/05/1006.
- 2.2 20/2007/0507 – Development of 0.047 hectares of land by erection of a single affordable dwelling: Refused 01/08/2007.
- 2.3 20/2009/1244 – Development of 0.1 hectares of land by erection of three affordable dwellings: Refused 03/03/2011 for the following three reasons:
 1. *The site lies outside the development boundary of Graigfechan, in the open countryside where rural restraints policies apply. It is not considered that the case put forward justifies the development in terms of Policy HSG 11 Affordable Housing for Local Needs in Rural Areas. Consequently if permitted the proposal would lead to a piecemeal encroachment of development outside the settlement boundary, creating an unacceptable precedent for similar development elsewhere in the locality. The proposal would not comply with Policies GEN 3 and HSG 11 of the adopted Denbighshire Unitary Development Plan and government guidance within Planning Policy Wales which seeks to control development outside identified settlements.*
 2. *The site lies within the Clwydian Range Area of Outstanding Natural Beauty where development is strictly controlled in the interest of preserving and enhancing the quality and character of the landscape. In the absence of any proven need for the development to override the landscape impacts, the proposal conflicts with Policy ENV2 which aims to safeguard the character and appearance of the natural environment and landscape of the Area of Outstanding Natural Beauty.*
 3. *There is insufficient information in the submission to demonstrate that a safe vehicular access to the site can be accommodated for the development, and the proposal is considered contrary to criterion i) of policy TRA 6 and criterion vii) of policy GEN 6.*

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy BSC 4 – Affordable Housing
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 VOE 2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy ASA 3 – Parking standards

3.1 Supplementary Planning Guidance

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Affordable Housing

3.2 Government Policy / Guidance

Planning Policy Wales Edition 9 2016

Technical Advice Note 2 – Planning and Affordable housing

Technical advice Note 6 – Planning for sustainable rural communities

Development Management Manual 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' (Section 3.1.2).

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 Residential amenity

4.1.4 Highways

4.1.5 Area of Outstanding Natural Beauty

4.2 In relation to the main planning considerations:

4.2.1 Principle

General principles

Denbighshire Local Development Plan

As noted previously, the site is located some 100m outside the development boundary for Graigfechan village in the Local Development Plan. This is a fundamental starting point in the consideration of the application. The preamble to Chapter 6 of the Plan setting out the policies states ...'Development boundaries as shown on the proposals maps are basic planning tools which define clear physical limits to developed areas. Development Boundaries have been drawn to allow for an appropriate level of development for each settlement and to follow clearly identifiable features'. It further outlines that development within boundaries will in principle be supported, but that local distinctiveness is reinforced by maintaining traditional settlement patterns and protecting landscapes and open spaces across the County.

The policies of the Local Development Plan therefore seek to guide new housing development within defined settlements, taking account of environmental considerations and opportunities for the sustainable development of communities. Graigfechan is defined as a village in the Plan, and has a clearly defined development boundary, within which there is one allocated housing site (i.e. a site capable of

accommodating 10 or more dwellings). Policy BSC4 of the Plan requires provision to be made for affordable housing on development sites involving 3 or more dwellings.

The Plan does however recognise the need to allow for affordable housing development aside from that which would arise from developments within defined settlements. Policies BSC6, BSC8 and BSC9 set out specific circumstances where affordable housing may be supported.

BSC6 relates to 'Local connections affordable housing in hamlets'.

BSC8 relates to 'Rural Exception Sites'.

BSC9 relates to 'Local Connections Affordable Housing within small groups or clusters'.

The relevance of these policies to the circumstances being advanced in the current application are reviewed in detail in subsequent paragraphs of the report.

The Council has produced **Supplementary Planning Guidance** (SPG) on Affordable Housing in support of the policies of the Local Development Plan. The document sets out criteria to be applied to assessment of need and eligibility for local needs affordable housing, including a financial appraisal and requirements for meeting the local connections policy.

Planning Policy Wales provides general guidance on housing development in the countryside, which it suggests should be located within and adjacent to those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. It states that infilling, or minor extensions to existing settlements may be acceptable in particular where this meets a local need for affordable housing. This is amplified in Technical Advice Note 2, and Technical Advice Note 6, the latter relating specifically to development in rural areas and the concept of 'Rural Exceptions' Policies.

The aforementioned policies and guidance set an important context for the consideration of the application.

Applying the Local Development Plan policies to the circumstances at Ty Coch

There is no dispute here that the site being considered is outside the development boundary of the village of Graigfechan. This can be appreciated from the plan at the front of the report.

Local Development Plan policy BSC6 is not relevant to the application. It relates to 'local connections affordable housing in hamlets'. The hamlets are identified in the Plan, and do not include the scattering of dwellings along the minor road running east out of Graigfechan. The applicant / agent are not suggesting BSC6 is a relevant consideration.

Local Development Plan policy BSC8 appears to be the most relevant to the application. It relates to what are termed 'Rural Exceptions Sites', and supports affordable housing development as an exception to normal policy (i.e. outside development boundaries) provided **all** the following criteria are met:

" i) evidence must be produced to demonstrate that allocated sites are not likely to come forward within 5 years. The greater the need for affordable housing demonstrated for the settlement the more likely an exception site would be permitted ahead of an allocated site; and

ii) the proposal adjoins and forms a logical extension to the development boundary whilst avoiding ribbon and fragmented patterns of development; and

iii) evidence exists in the form of a local housing needs survey that there is a genuine demonstrable need for such accommodation; and

iv) the proposal would not form an intrusive feature in the landscape or create traffic or access problems; and

v) the siting, layout, scale, design, density and materials of the proposal are sympathetic and appropriate to the size and character of the settlement and also reflect the level of local need identified; and

vi) satisfactory arrangements can be made to ensure that the dwellings are retained as affordable housing for local needs in perpetuity”.

In relation to the tests of BSC 8:

With regard to test i), the applicant's agent has referred to the land south of the Three Pigeons public house which is an allocated housing site. The allocation was made when the Local Development Plan was adopted in 2013, following a public inquiry. The agent suggests that as no application has been submitted on this site since the allocation in 2013, and the land is still being advertised for sale, the lack of interest suggests there must be considerable doubt that the site will be brought forward within 5 years from adoption. It is also questioned whether the allocated site is capable of accommodating the 10 units and that the Council does not have the required 5 year supply of housing there is a need to optimise the potential of sites to deliver new open market houses wherever possible.

In respecting the agent's comments, the fact that the allocated site has not been sold at the time of considering this application does not demonstrate that the site is not likely to come forward within 5 years. It is relevant to report that since submission of the Ty Coch application, an outline application to develop just over half of the allocated site has actually been submitted – and is currently under consideration (application 20/2016/1242). This application contains an illustrative plan showing ideas for 9 dwellings, suggesting the whole of the allocated site is capable of accommodating well in excess of 10 dwellings. In Officers' opinion, the circumstances at the time of considering the Ty Coch application do not demonstrate that the allocated housing site in Graigfechan is unlikely to come forward within 5 years, which is in conflict with test i) of BSC8.

With regard to test ii), the agent accepts that the site does not adjoin the development boundary, but suggests other factors should be taken into account – including the built settlement pattern and the separation of existing dwellings from the boundary; and he suggests that the proposal would not result in a fragmented form of development and would not constitute a ribbon development.

In Officers' opinion, the proposal is in clear conflict with test ii). The site clearly does not adjoin the development boundary of the village, which is defined by the dwelling Penrhos, some 100m from the nearest part of the site. Respectfully, development of the site would not form a logical extension to this development boundary, as will be seen from the plan at the front of the report – it is in one of a number of large gaps between long established farm / outbuildings dotted along the minor road. Dwellings on the site would represent an unacceptable addition contributing to the creation of a ribbon of development along the minor road leading out of the village to the east, which has formed one of the grounds for refusal of the three previous applications on the site. It is considered the development boundary should be respected and defended for the sake of preserving the open countryside, as per guidance in Planning Policy Wales. It is not considered that the proposal complies with test ii) of BSC8.

With regard to test iii), the applicant's agent contends that the two applicants each qualify for an affordable dwelling in line with the Council's policies, as they are financially eligible, their current accommodation is unsuitable, and they have a local connection with the area. As stated previously, the Council's adopted practice is to use Grwp Cynefin to undertake an assessment of eligibility, and following detailed

consideration of the circumstances, Grwp Cynefin have confirmed that one of the families seeking a dwelling is eligible to be registered for self build affordable home ownership, and one is not, as they do not meet the financial test. The absence of support for one of the two families to be registered for self build affordable housing does not support the case that there is affordable housing need established for two dwellings. The applicant's agent has been advised of Grwp Cynefin's conclusions and has asked for the application to be determined as submitted.

Tests iv) and v) of Policy BSC 8 deal with the physical impact of development on the locality. As the application is in outline form only, with all matters of detail reserved for further approval, it is not possible to conclude at this point whether the detailed design of the 2 dwellings would comply with the requirements. There are no objections from the highway officer to the application. Officers have reservations over the physical impact of development stretching out into open countryside, including on the AONB landscape, which is considered to pose questions over compliance with test iv) of BSC8.

Test vi) requires that arrangements are made to ensure dwellings are retained as affordable housing for local needs in perpetuity. The agent has confirmed that all parties are willing to enter into a S.106 agreement to ensure that the properties remain affordable for successive occupiers. It is considered the requirements of test vi) of BSC8 can be met.

The above assessment suggests there are clear conflicts with at least three of the tests of policy BSC8, which requires all the tests to be met to support development as an exception to normal policy.

Local Development Plan policy BSC9 relates to local connections affordable housing within small groups or clusters in open countryside, and allows for the development of one or two units provided all the following criteria are met:

i) comprises infilling of a small gap between buildings within a continuously developed frontage; and

ii) does not result in ribbon development or the perpetuation of existing ribbon development; and

iii) is of comparable scale and size to, and is sited so as to respect adjacent properties and the locality; and

iv) satisfactory arrangements can be made to ensure that the dwelling(s) are retained in perpetuity as affordable dwelling for local need and this is contained in a Section 106 agreement.

In relation to BSC9, the applicant's agent considers the site is located within a cluster or small group of dwellings that is typical of the settlement character in this area; that there are a total of 6 properties located on both sides of the road within an area of 250m; and that the proposal can therefore be considered to fall within the type of development embraced by and compliant with BSC9. The agent's plan suggesting the extent of the 'cluster' is included at the front of the report.

With respect to the agent's arguments, Officers do not consider the proposal falls within the premise of the policy as the application site is clearly not within a small group or cluster. The plan at the front of the report shows the nature of development in the vicinity and confirms that there is a loose scattering of farm buildings with substantial gaps between them, stretched out along the road. As examples, the gap between buildings at Penrhos and Ysgubor Newydd is some 60m, and the gap between Ysgubor Newydd and Bryn Dibyn is 130m.

With regard to tests i) and ii) of BSC9, Officers consider the proposals are clearly in conflict. The development does not involve infilling of a small gap between buildings within a continuously developed frontage (test i)), as can be appreciated from the plan and from the measurements referred to above. Even if the site was developed, there would still be a gap of some 80m to the next property to the east (Bryn Dibyn). Development would contribute to, and perpetuate ribbon development along the minor road out of Graigfechan, in conflict with test ii).

Whilst it is not possible to conclude on the acceptability of the detailing of the development with an outline application, it seems reasonable to conclude that dwellings could be of a comparable scale and size, and be sited to respect adjacent properties and the locality (test iii) of BSC9.

In relation to test iv) of BSC9, it has been established previously that arrangements can be put in place to ensure that the dwellings are retained in perpetuity as affordable for local need.

Having regard to the above assessment, and with respect to the case advanced, Officers conclusions are that there are clear conflicts with key tests of policy BSC8, which **all** need to be met to support a proposal for affordable housing development as an exception to normal policy. It is not considered that the basic tests of BSC9 are met. The proposal is therefore considered to be in fundamental conflict with local and national planning policies and guidance in relation to the principle of new dwellings outside development boundaries.

4.2.2 Visual amenity

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. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.

There are no details of the proposed dwellings to consider. Whilst it is possible that individual dwellings could be designed to respect the character of the locality, there are concerns over the visual impact of additional new housing development in open countryside locations such as this, and the increasing dilution of the quality of the visual environment which would result. Impact on the AONB is reviewed later in this report.

4.2.3 Residential amenity

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 as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

It is considered that appropriately designed and sited dwellings at the site could be accommodated without having an adverse impact on the residential amenities of adjacent occupiers.

4.2.4 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. The acceptability of means of access is therefore a standard test on most planning applications. 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 (Section 8) and TAN 18 – Transport, in support of sustainable development.

Notwithstanding the hedge to the front of the site and the narrow nature of the road, the scheme is not considered by the Highway Officer to give rise to harm to highway safety as an access can be laid out to include adequate parking and turning facilities.

4.2.5 Area of Outstanding Natural Beauty

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 lies within the AONB where development is strictly controlled in the interest of preserving and enhancing the quality and character of the landscape. In the absence of any proven need for the development to override the landscape impacts, it is considered that the proposal conflicts with Policy VOE 2 which aims to protect the character and appearance of the landscape in the AONB.

Other matters

Floorspace

With regard to the point raised by the Community Council on the scale of the dwellings, the plans were revised in June 2016 to reduce the floorspace.

Planning history

Whilst the planning history of a site would not in itself be a sound reason for refusing planning permission, the grounds of refusal of previous applications may be relevant considerations in the determination of a new application. The history outlined in the report confirms that there have been three separate applications for development of the land – two for single dwellings refused in 2006 and 2007, and one for 3 dwellings in 2011. Whilst these applications were determined against the former Unitary Development Plan's policies, it is to be noted that the basis of the refusals included development outside a development boundary, the fact that the site was not within a group of dwellings, the proposals involved piecemeal development, on a site within the AONB, and the affordable needs case was not in accordance with policy.

Whilst the current application has to be considered against the new policies of the Local Development Plan, Officers conclusions in relation to the tests of those policies are that the proposal poses many of the same conflicts which led to the refusal of the three previous applications, and that it would be wholly inconsistent to now grant a permission, given the most relevant planning policy BSC8 requires that all of its criteria need to be met to support affordable housing development as an exception to normal policy.

Well – being of Future Generations

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 The site is in open countryside outside any village boundary, and it does not form part of a hamlet as recognised in the Local Development Plan.
- 5.2 The report deals in detail with the tests of the Development Plan's policies which appear to be of most relevance to the proposals for affordable housing outside development boundaries.
- 5.3 The two main policies which the applicant's agent considers to be applicable offer support for affordable housing development as an exception to normal policy, provided **all** the subsequent criteria are met. In Officers' opinion, and with respect to the case made, it is clear that the proposals do not meet the tests for establishing affordable housing need for two dwellings; there is no evidence that the allocated housing site in Graigfechan will not come forward in 5 years; and the site is not a logical extension to the village boundary, an infill plot or part of a group / cluster of dwellings. It is therefore concluded that the application is in conflict with policies BSC8 and BSC9, and cannot be supported.

RECOMMENDATION: REFUSE- for the following reasons:-

The reasons for the conditions are:-

1. The application site lies in open countryside outside the development boundary of Graigfechan village, where provision for affordable housing development may be permissible as an exception to normal policy where it is in compliance with Policies BSC6, BSC8 or BSC9 of the Denbighshire Local Development Plan. In the opinion of the Local Planning Authority, as the site is not defined as a hamlet in the Plan, is not within a small group or cluster of dwellings, its development does not constitute the infilling of a small gap between buildings with a continuously developed frontage, and the need for two self-build affordable dwellings is not made, it is considered that the proposals conflict with key tests of these policies in the Denbighshire Local Development Plan and advice in Planning Policy Wales Edition 9.
2. The site lies within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty where development is strictly controlled in the interest of preserving and enhancing the quality and character of the landscape. As the proposal is not considered to meet key tests of the relevant affordable housing policies to justify making an exception to the policy of restraint on development in open countryside, it is not concluded that the circumstances advanced override the harm likely to arise in terms of the landscape and visual impacts, hence the proposal is considered to conflict with Policy VOE 2 of the Denbighshire Local Development Plan which aims to preclude development that would cause unacceptable harm to the character and appearance of the AONB landscape and the reasons for the designation.