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41/2018/0865

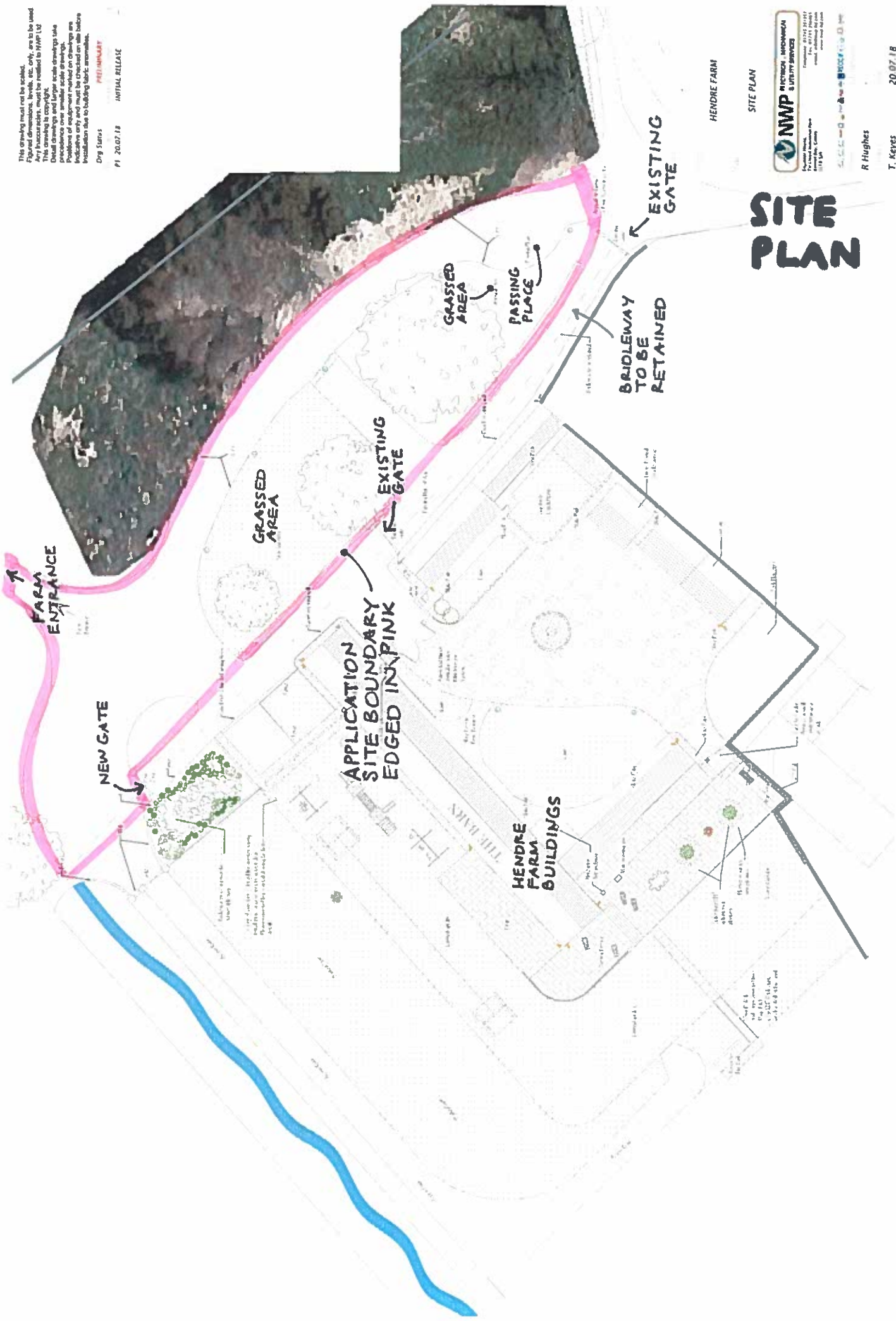
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 P1 20.07.18 INITIAL RELEASE



# SITE PLAN

HENDRE FARM

SITE PLAN



Company No. 0122 2112  
 Fax No. 0122 2112  
 118 St. James Street, London, W1P 0JL



R Hughes

T. Keyes

I.200 MWP 001 P1

20.07.18



**WARD :** Tremeirchion

**WARD MEMBER:** Cllr Christine Marston (c )

**APPLICATION NO:** 41/2018/0865/PF

**PROPOSAL:** Retrospective application for the change of use of agricultural land to allow the formation of an access road, ancillary landscaped area and associated works

**LOCATION:** Hendre Farm Bodfari Denbigh LL16 4BP

**APPLICANT:** Mr & Mrs Keyes

**CONSTRAINTS:** PROW

**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 / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**BODFARI COMMUNITY COUNCIL**

“...recommend refusal on the grounds of loss of wildlife habitat and the creation of an additional road, the impingement on the existing residents’ accesses to both private property and agricultural land, and the consequent restriction of their businesses”.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

**Highways Officer**

No objection, having regard to the existing access in close proximity, visibility at the access and usage. The provision of the passing place is also positive in terms of ensuring vehicles are not held up at the access point. Suggest a condition be attached regarding submission of a surface water drainage scheme.

**Footpaths Officer**

The case officer has suggested inclusion of advisory notes drawing attention to the need to protect the public bridleway.

**Ecologist**

Has noted the background circumstances of this application but raises no objections.

**RESPONSE TO PUBLICITY:**

Neither support nor object

John & Jenny Briggs, Tyn y Ffordd, Bodfari

Summary of planning based representations

Seeks clarification of the bridleway/footpath on the site.

Mitigation should be provided to compensate for the removal of the hedge such as planting of some native small trees, shrubs or a length of hedge on the grassed ancillary landscaped area or on the area to the North following reinstatement.

**EXPIRY DATE OF APPLICATION: 20/01/2019**

**EXTENSION OF TIME AGREED? N/A**

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 Retrospective planning permission is sought for the change of use of an area of land to the north east of Hendre Farm, Bodfari, and the formation of an access road and ancillary landscaped area.

1.1.2 The existing access track runs along a Public Right of Way. The new access track has been created to the north east of this track.

1.1.3 The submitted plans, included at the front of the report, show the area of land between the retained right of way and the new track is grassed and retains three existing trees.

1.2 Description of site and surroundings

1.2.1 The land lies to the north east of the Grade 2 Listed Buildings at Hendre Farm. The recently converted barns are located to the southwest of the access road and landscaped area.

1.3 Relevant planning constraints/considerations

1.3.1 The site has no specific designation in the Local Development Plan.

1.3.2 It is situated within an area of Grade 3b moderate quality agricultural land according to the Predictive Agricultural Land Classification (ALC) map on the Welsh Government Lle website (accessed on 6/12/2018).

1.4 Relevant planning history

1.4.1 No relevant planning history to the agricultural land however the old farm buildings in connection with the work have undergone extensive conversion to form two dwellings.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 This application has been submitted retrospectively as a result of enforcement investigation.

**2. DETAILS OF PLANNING HISTORY:**

2.1 41/2012/0640 Demolition of modern farm buildings, conversion of outbuildings to create 2 no. dwellings and installation of private treatment plant (Listed Building Application) GRANTED 20/04/2014.

2.2 41/2012/0639 Demolition of modern farm buildings, conversion of outbuildings to create 2 no. dwellings and installation of private treatment plant GRANTED 20/04/2014.

2.3 41/200/0148 Demolition of modern farm buildings, conversion of outbuildings to create 4 no. dwellings and installation of private treatment plant and alterations to an existing vehicular access (Listed Building Application) GRANTED 19/01/2009.

2.4 41/200/0147 Demolition of modern farm buildings, conversion of outbuildings to create 4 no. dwellings and installation of private treatment plant and alterations to an existing vehicular access, GRANTED 19/01/2009.

**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 VOE1 – Key areas of importance  
Policy VOE5 – Conservation of Natural Resources

3.2 Supplementary Planning Guidance  
None.

3.3 Government Policy / Guidance  
Planning Policy Wales Edition 10 December 2018  
Development Control Manual

#### **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
- 4.1.3 Residential amenity
- 4.1.4 Setting of a Listed building
- 4.1.5 Highways
- 4.1.6 Ecology

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

There are no planning policies in the Local Development Plan which relate specifically to the creation of an access track and amenity area near existing dwellings in open countryside locations.

PPW Edition 10 paragraph 3.55 seeks to protect land of high agricultural quality from development, but the area involved in this application has not been in use for agricultural purposes and in any event is not in grades 1, 2, and 3a as defined by the Agricultural Land Classification Predictive Map.

Officers suggest the determination of the application rests on assessment of material considerations outlined in the Development Manual, and therefore on the local impacts of the particular uses / developments involved at Hendre Farm.

4.2.2 Visual amenity

Section 9.4 of the Development Management Manual refers to 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 impact of the proposals on visual amenity are therefore a relevant consideration. There are no representations on the application raising visual amenity objections.

It is Officers' understanding that the works which have been undertaken here have involved the removal of old machinery and overgrown vegetation / scrub, and basic levelling and grassing of the land to improve the visual appearance next to the buildings at Hendre Farm.

It is considered that the scheme is acceptable in terms of visual impact.

#### 4.2.3 Residential amenity

Section 9.4 of the Development Management Manual refers to 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 impact of the proposals on residential amenity are therefore a relevant consideration.

Given the nature of the proposal and the fact that the purpose of the access track is to serve the both the farm to the north and the existing residential properties at the Hendre Farm complex, and to improve the general appearance of the area of land between the new track and the right of way, it is not considered that it would give rise to any harm to residential amenity.

#### 4.2.4 Setting of a Listed building

Planning Policy VOE 1, and sections 16 and 66 of the Planning (listed Building and Conservation Areas) Act 1990 require Local Planning Authorities to have regard to the impact of proposed developments impact upon the setting of listed buildings.

The new access track is within approximately 50m of the Grade II listed building, Hendre (former farmhouse). It is considered that the track and associated landscaped area does not have an unacceptable impact on the settling of the listed building.

#### 4.2.5 Highways (including public right of way)

Section 9.4 of the Development Management Manual refers to 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 highways impact of the proposals are therefore a relevant consideration.

The Community Council have objected on the grounds of the creation of an additional road, and refer to the impingement on the existing residents' accesses to both private property and agricultural land, and the consequent restriction of their businesses. The Council's highway officer raises no objection having regard to the existing access in close proximity, visibility at the access and usage, and suggests the provision of the passing place is also positive in terms of ensuring vehicles are not held up at the access point.

In respecting the matters raised by the Community Council in relation to the public right of way, these are matters under investigation by the Highways Section who have powers to take action against any interference with the public right of way. Private rights of access are not matters which the Council has authority to determine or arbitrate over.

#### 4.2.6 Biodiversity

Policy VOE 5 of the Local Development Plan requires due assessment of potential impacts on protected species or designated sites of nature conservation, including



mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

Policy VOE 1 seeks to protect statutory sites for nature conservation from development that would adversely affect them.

Section 9.4 of the Development Management Manual refers to 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 biodiversity impact of the proposals are therefore a relevant consideration.

This reflects policy and guidance in Planning Policy Wales, TAN 5 and the Council's Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

The Community Council have concerns over the loss of wildlife habitat. The County Ecologist has no objections to the application.

Officers cannot condone the practice of undertaking works / development without permission, but in the absence of any evidence of the presence of protected species and clear damage to wildlife interests, it would be difficult to oppose this application based on impact to biodiversity interests.

#### 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 In noting the points raised by the Community Council, having due regard to the detailing of the proposals and the impacts on the locality, the application is considered to be acceptable and is recommended for grant.

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

1. The development to which this permission relates shall be begun no later than 16th January 2024
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) Site Plan (Drawing No. NWP 001 P1) - Received 26 November 2018
  - (ii) Lighting Product Specification (Drawing No. Ansell Taurus 25 Watt) - Received 14 November 2018
  - (iii) Gate Product Specification - Received 14 November 2018 (iv) Location Plan - Received 4 September 2018
  - (v) Supporting Statement - Received 4 September 2018

3. None of the existing trees or hedgerows within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any of these retained trees or hedgerow plants which die or are severely damaged or become seriously diseased within five years of the date of this permission shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority , no later than the next planting season.
4. The land comprising the application site shall be used solely as a landscaped amenity area and shall not form part of the private curtilage of any of the adjacent dwellings.
5. Notwithstanding the submitted details, a surface water drainage scheme in relation to the access track shall be submitted for the consideration of the Local Planning Authority within 3 months of the date of this permission. Such scheme as may be approved in writing by the Local Planning Authority shall be implemented within 3 months of approval and shall be retained and maintained at all times thereafter.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interests of visual amenity.
4. In the interests of visual amenity.
5. In the interest of the management of flood risk.