

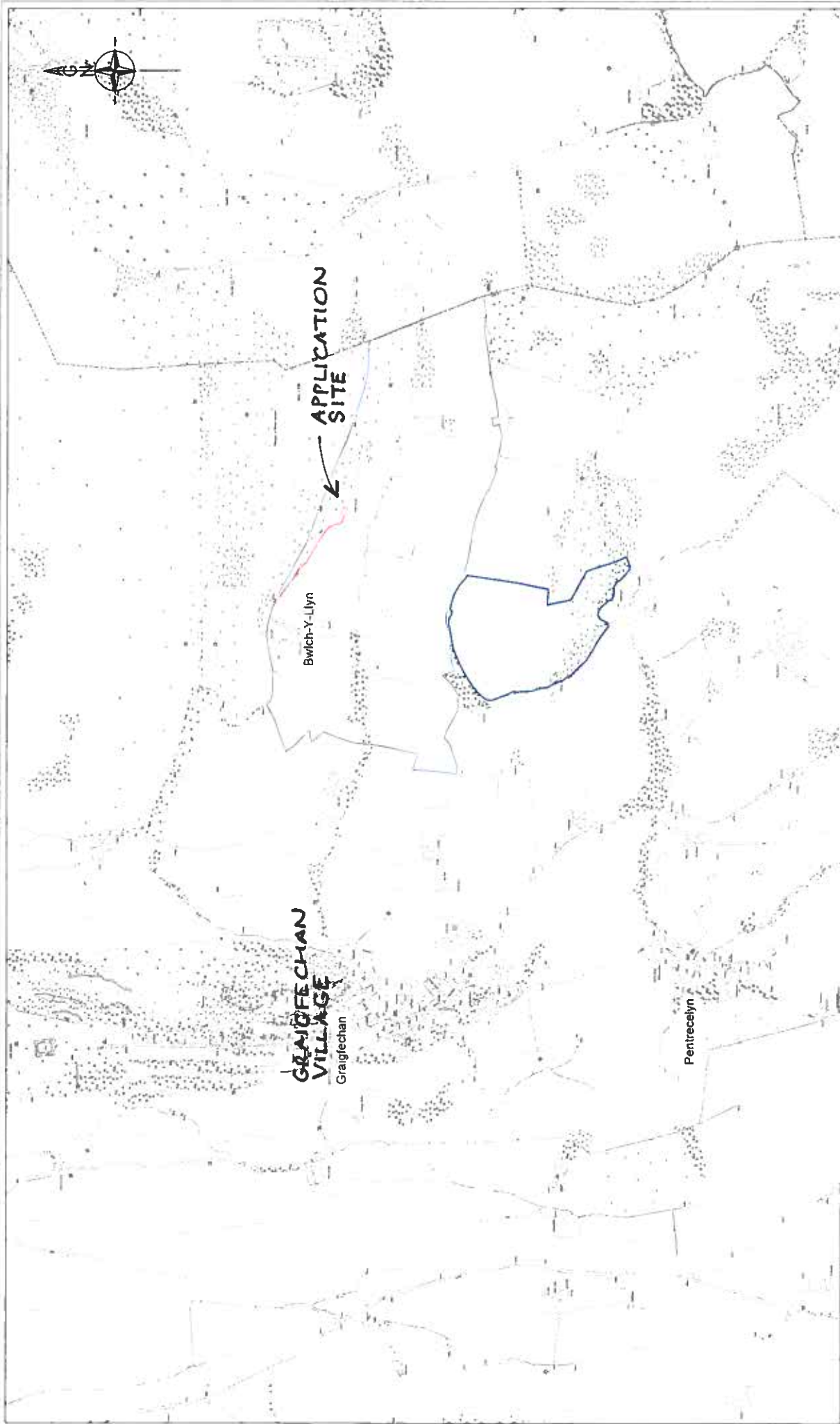
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20/2019/0884

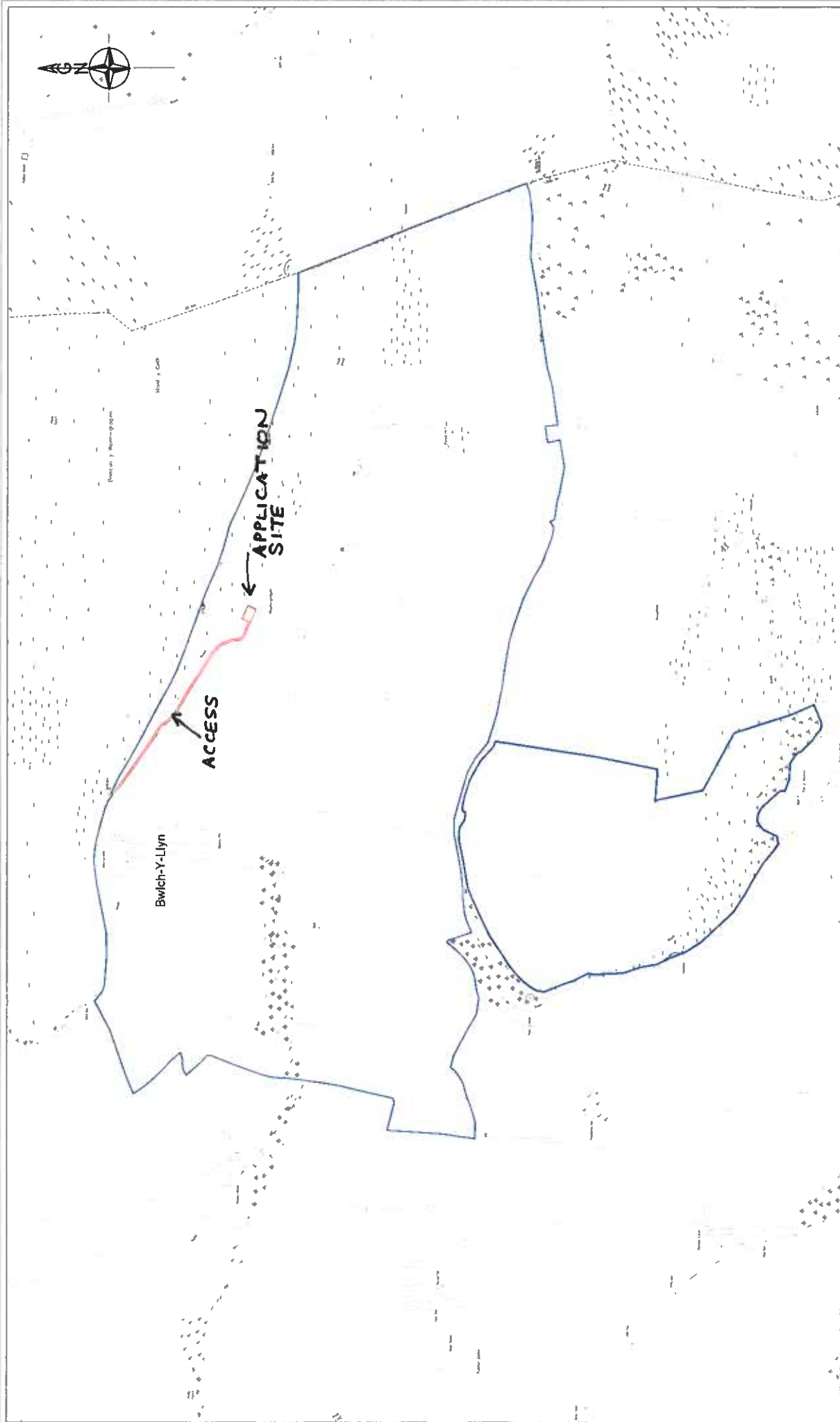
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GENERAL LOCATION

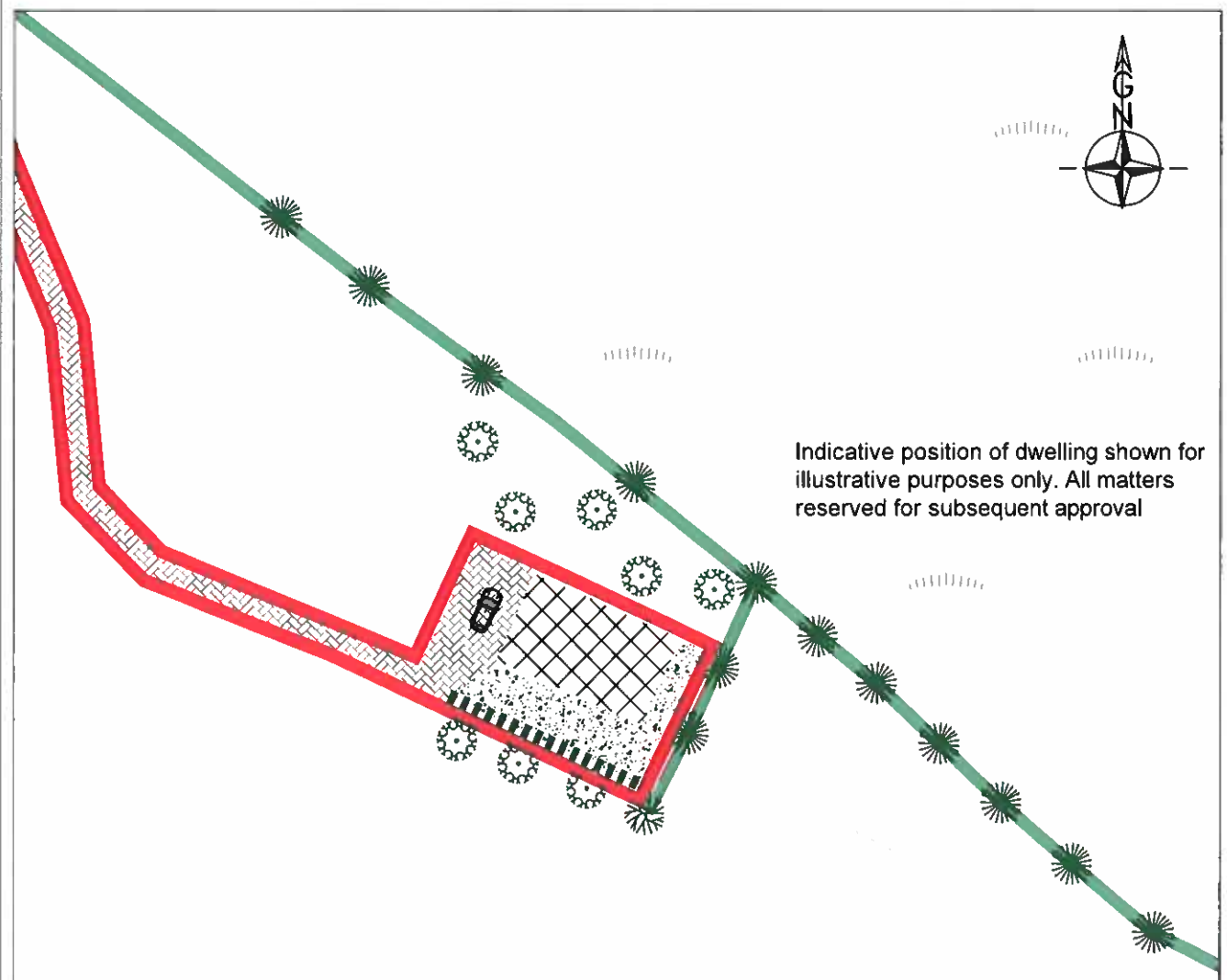


<p>01 - B</p> <p>1/ Planning LOCAL NEEDS AFFORDABLE DWELLING (Application/Document)/Location Plan Amendment (Local Planning)</p>		<p>DATE OF ISSUE: 11/11/13</p> <p>ISSUE</p>	<p>SCALE: 1:10000</p> <p>DATE: 11/11/13</p>	<p>PROJECT NAME: Bwlch Y Llyn - Local Needs Affordable Dwelling</p> <p>LOCATION PLAN - 1:10000</p> <p>03 - B</p>
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<p>TYPE OF PLAN/REPORT</p> <p>1:5000 • A3</p> <p>APP. NO./PROJECT NO. FOR REFERENCE</p> <p>S11554</p> <p>PREPARED BY</p> <p>DB</p> <p>DATE PREPARED BY</p> <p>DB</p>	<p>DATE OF ISSUE</p> <p>11/11/19</p> <p>ISSUE</p>	<p>PROJECT NAME AND PART OF SITE AND ADDRESS/ROADS</p> <p>Bwlch Y Llyn - Local Needs Affordable Dwelling</p> <p>Location Plan - 1:5000</p>	<p>SCALE</p> <p>1:5000</p> <p>DATE</p> <p>11/11/19</p> <p>02 - B</p>
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SITE PLAN



Indicative position of dwelling shown for illustrative purposes only. All matters reserved for subsequent approval

Waen – grogen

-  Indicative location of existing established trees to remain
-  Indicative location of existing sparse hedge to remain
-  Indicative location of potential planting of native trees
-  Indicative location of potential planting of native hedging
-  Potential area laid to lawn
-  Proposed permeable access track
-  Proposed dwelling. Footprint of approximately 80 sqm ranging in depth from 6 - 8m and by length of 11 - 13m and height of 4 - 6m

RYF CWTI/JOB NUMBER GRADDFTOD/DRAWING SCALE 1:500 @ A4 RYF GRID NATIONAL GRID REFERENCE SJ1554 DYLNHWYD GAN/DRAWN BY DB CYDEXADHYFYS GAN APPROVED BY DB	HEWIDIAU/AMENDMENTS STAFFYS LUDRIS DRAWING STATUS ISSUE	CYLLUN/SCEM Bwlch Y Llyn – Local Needs Affordable Dwelling FEITL LUDNAD/DRAWING TITLE Block Plan – 1:500 DYDDIUS HEWIS OLAF LAST EDIT DATE 11/11/19	RYF LUDNAD/DRAWING NUMBER 04 – B
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WARD : Llanfair Dyffryn Clwyd / Gwyddelwern

WARD MEMBER: Councillor Hugh Evans

APPLICATION NO: 20/2019/0884/ PO

PROPOSAL: Development of 0.125ha of land by the erection of a detached local needs affordable dwelling and associated works (outline application - all matters reserved)

LOCATION: Land adjacent to Bwlch y Llyn, Pentre Coch, Ruthin

APPLICANT: Mr David Baker

CONSTRAINTS: AONB

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

CONSULTATION RESPONSES:

ORIGINAL SUBMISSION:

LLANFAIR DYFFYRN CLWYD COMMUNITY COUNCIL-
“ The proposal is supported”.

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

Objection. ‘The siting is sporadic and unrelated to existing buildings. A discordant feature in an open landscape to the detriment of the character and appearance of the AONB. The Committee do not consider the site to be a rural exception site (Policy BSC8 or a development which falls under the local connections affordable housing policy (BSC9). The Committee would have no objection in principle to a sympathetically designed new dwelling on a site which is related to the existing farm complex.’

DWR CYMRU/ WELSH WATER-

Advise that Natural Resources Wales and or the Building Regulations Authority/Approved Building Inspector should be contacted as the proposal involves an alternative to mains drainage.

WALES & WEST UTILITIES-

Note that apparatus is nearby in the area.

SCOTTISH POWER-

No response.

CLWYD POWYS ARCHAEOLOGICAL TRUST-

The development coincides with the site of a former house called Waen-Grogen. The house is ruinous and predates 1871. Likely that a full excavation would need to be completed of the former building footprint which would be expensive. To avoid this the applicants could retain the former house site and move the proposed dwelling into the field to the west. The former house site should not be altered or landscaped in any way.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

County Ecologist-

No objection subject to the imposition of conditions around the provision of bat and bird enhancement measures, submission of an external lighting scheme and to ensure works are undertaken outside of bird breeding season to ensure there are no negative impacts on protected species or the nature conservation value of the site.

Strategic Housing & Policy Officer-

Assessed against the following LDP Policies:

Policy BSC 8 – Rural Exception Sites – proposal is in open countryside and not adjoining a development boundary and does not meet the requirements of this policy.

Policy BSC 9 – Local Connections affordable housing within small groups or clusters – proposal does not sit within a small group or cluster of houses and comprise infill and does not meet the requirements of this policy.

Suggest that a Grwp Cynefin Affordable Needs Assessment is undertaken before the application is progressed.

Highway Officer

The case officer has indicated there are no highways objections to the proposals. Full details of the access construction would need to be submitted for further approval.

RE-CONSULTATION RESPONSES:

Amended details were received on 11/11/19 which show the proposed dwelling sited to the west of the original proposed location, and a habitat plan.

NATURAL RESOURCES WALES-

Objection on landscape grounds.. The proposal is unrelated to existing buildings and would have an adverse impact on landscape features of the AONB. Suggest alternative locations within blue line boundary closer to the farm.

CLWYD POWYS ARCHAEOLOGICAL TRUST-

No objection. Note the relocation of the proposed dwelling. Archaeological intervention has been avoided by keeping the Waen-Grogen house site preserved in situ.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Strategic Housing & Policy Officer-

Eligibility has been tested under the Grwp Cynefin Self Build assessment and the conclusion is that the applicant is able to purchase a property in the locality on the open market and is not in affordable housing need.

Grwp Cynefin

Grwp Cynefin have advised that they have not carried out a fully detailed assessment as not all the information needed was supplied, however based on the information provided, they have advised that the applicant is not in affordable housing need, based on income and savings.

They state there have been 3 properties in Graigfechan over the last 12 months which were available for sale and would have been within his price range and with him having a full time job elsewhere albeit he helps on the farm regularly, it cannot be argued that he needs to live there to continue the family business; and there is also a new development at Llanfair DC which is also in his purchasing range.

RESPONSE TO PUBLICITY:

No representations received.

EXPIRY DATE OF APPLICATION: 19/12/2019

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

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 a detached dwelling in the open countryside some 350m to the east of the farm house at Bwlch y Llyn, Pentrecelyn.
- 1.1.2 No details of the dwelling have been provided other than an indicative layout plan indicating the approximate size of the dwelling and parking arrangements on the site.
- 1.1.3 The submitted application form suggests that the dwelling will have a footprint of 80sqm with a length of 11-13m, width of 6-8m and height of 4-6m. It is proposed to be located to the west of the scattered remains of some of the walls of a long abandoned dwelling, known as Waen- Grogen, which the supporting documents indicate was last habitable in 1956 and is 'currently in ruins'.
- 1.1.4 The new dwelling is proposed to be accessed off a 470m long agricultural track which would have served the old dwelling. This runs off the public highway close to an access serving the existing farm complex at Bwlch y Llyn. The track is overgrown but would be surfaced in conjunction with the development.
- 1.1.5 A habitat plan is proposed which proposes additional planting in the future to a parcel of land located to the east of the application site on the hillside. It is also proposed to have native tree planting to the slope to the north of the proposed dwelling and a lawned, garden area to the south bounded by native hedgerow and tree planting.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 The application is accompanied by a Planning Statement and Design and Access Statement which provide background information to the case for the grant of permission.
- 1.2.2 The Design and Access Statement refers to the Local Development Plan Policy context, including Policies RD1, BSC8, BSC9; Welsh Government's TAN2 (Housing), TAN6 (Planning for sustainable communities); and provides commentary on access, character, community safety, environmental sustainability, movement to, from and within the development. It's concluding paragraph states:

In conclusion, it is considered that this outline proposal will, subject to detailed approval, express compliance with the spirit of local and national policy standards and guidelines.
- 1.2.3 The 30 page Planning Statement is titled 'Proposed Local Needs Affordable Dwelling'. It sets out the context and justification for the proposal in terms of the local development plan and national planning policy. There is reference here to:
 - The policies of the Local Development Plan. The document quotes the content of Policy BSC8 (Rural Exception sites), BSC9 (Local connections affordable housing within small groups or clusters). It also refers to the Council's Housing Strategy Plan (2016-2021) which emphasises the key role housing has in creating and maintaining sustainable local communities.
 - National Planning Policies There is reference to Planning Policy Wales (PPW) and TAN 2 (Housing) which seek to encourage innovative ways of securing affordable housing, a flexible approach to delivery, and contributions to the delivery of sustainable communities. PPW also stresses maximising the use of previously developed land for housing, and ensuring the Welsh language is supported and encouraged to flourish.

Reference is also made to Welsh Government's recently introduced Self Build Wales scheme, which it is suggested is seeking to provide another route into home ownership through the availability of self-build for people who want to stay in their local area but have not been able to afford to buy there.

- The proposal background

This section of the Planning Statement provides detailed background on the farming history at Bwlch y Llyn and the current family circumstances. It mentions the details of the 200 acre hill dairy farm, which has been run historically as a family enterprise. The Statement makes the point that whilst the proposal is for a local needs affordable dwelling and not a rural enterprise dwelling, it is 'prudent' to express the importance of the existing and future labour requirements for the farm, and there are figures produced to illustrate these – with the suggestion that the current labour requirement is three full time workers. Having regard to the nature of the farming industry and manner in which the farm is worked (the father providing full time employment, with the two sons offering part time assistance on a daily basis but working full time locally), it is argued that there is a need for an additional dwelling in close proximity to the agricultural holding ' to ensure livestock welfare remains at the forefront and the sustainable running of the farm is maximised'.

The Statement clarifies that the dwelling is intended for the applicant's youngest son, who currently lives at Bwlch y Llyn, and wishes to live within the local community.

It is pointed out that the site is one where there has been a previous dwelling, has an existing access, and that its development would have minimal impact on the AONB. Measures would be taken to ensure the detailing of the dwelling is appropriate and that biodiversity impacts would be mitigated.

Investigations into housing availability in the locality have been undertaken. It is stated that there are none that would be within the affordability of the applicant's youngest son. Ruthin is considered too remote from the farm as proximity to the holding is important in adverse winter conditions.

In respect of planning policy assessment, the Statement suggests

'Whilst the proposal does not strictly comply with BSC8 as the site does not adjoin the development boundary, there are other factors that may be taken into account.

The location of the proposal would be on the site of a previous dwelling, which is currently in ruins. The proposal would not result in a fragmented form of development and neither would it constitute ribbon development...'

The concluding section of the Planning Statement is quoted below:

- In conclusion, the application, supporting statement and accompanying Design and Access Statement together express compliance with the spirit of Policy BSC8 and the detail of BSC9 in delivering local needs housing.

The applicant has attempted to provide sufficient evidence in line with National and the Councils policies to demonstrate the qualification for an affordable dwelling as follows:

- - New housing in rural locations will be restricted to affordable housing to meet local need
- The applicant has a connection with the Community Council area in compliance with the Council's Local Connections Policy
- The applicant does not own a property already and cannot afford to purchase a suitable property for their needs on the open market within a reasonable distance of their current location
- Current accommodation is unsuitable

1.3 Description of site and surroundings

1.3.1 The site is open in nature and forms part of a larger field to the south east of Bwlch y Llyn with further fields to the south and the main farmhouse to the west. The land is bounded by a hedgerow alongside the track to the north but is otherwise open in nature as illustrated by the following photographs:



View towards east from Waen
Grogen site



Waen – Grogen site facing north

1.4 Relevant planning constraints/considerations

- 1.4.1 The site lies outside of any settlement / development boundary as defined in the Local Development Plan.
- 1.4.2 Graigfechan is the nearest village, located some 1.2km to the west.
- 1.4.3 The site is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

1.5 Relevant planning history

- 1.5.1 There is no record of any planning applications relating to the site.
- 1.5.2 At Bwlch y Llyn, an extension to the main dwelling was granted in 1976, and permission was granted in 1988 for the development of land for the erection of an agricultural workers dwelling following an earlier refusal of permission.

1.6 Developments/changes since the original submission

- 1.6.1 The Assessment of Affordable Housing Need submitted by the applicants was forwarded to the Council's Strategic Planning and Housing Officers and to Grwp Cynefin for review. Grwp Cynefin were asked to assess and conclude on whether the applicant is eligible for registration for affordable home ownership.
- 1.6.2 The conclusions of Grwp Cynefin are referred to in the consultation responses section of the report, and are that the applicant is not eligible to be registered for self build affordable home ownership.
- 1.6.3 The siting of the proposed dwelling was revised following comments from CPAT regarding the potential archaeological investigations of Waen- Grogen.

1.7 Other relevant background information

- 1.7.1 None.

2. **DETAILS OF PLANNING HISTORY:**

None at the application site.

History at Bwlch y Llyn:

- 2.1 30/1653 Extension to existing dwelling, GRANTED 22/10/1976
- 2.2 30/9300 Development of land- Erection of agricultural workers dwelling and septic tank, REFUSED, 11/03/1988
Reason for refusal:
The development of the site within the Area of Outstanding Natural Beauty without any proven essential agricultural need would result in a sporadic form of residential development unrelated to any established settlement. Such development being contrary to the various policies of the Secretary of State for Wales, the Clwyd County Council and the Glyndwr District Council in relation to the erection of new houses in rural areas.
- 2.3 30/9832 Development of land- Erection of agricultural workers dwelling and septic tank, GRANTED 25/11/1988
- 2.4 30/1016 Details of agricultural workers dwelling on outline permission 30/9832, GRANTED 09/05/1989
- 2.5 30/45/AG Erection of an agricultural building, PRIOR APPROVAL NOT REQUIRED 07/06/1993
- 2.6 30/14873 Formation of vehicular access, GRANTED 19/06/1995

2.7 20/2003/0779 Erection of a bulk feed bin, PRIOR APPROVAL NOT REQUIRED 17/07/2003

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)
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 BSC 11- Open Space
Policy VOE 2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty
Policy ASA 3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty
Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity
Supplementary Planning Guidance Note: Parking Requirements In New Developments
Supplementary Planning Guidance Note: Planning Obligations
Supplementary Planning Guidance Note: Recreational Public Open Space
Supplementary Planning Guidance Note: Residential Development
Supplementary Planning Guidance Note: Residential Development Design Guide
Supplementary Planning Guidance Note: Residential Space Standards
Supplementary Planning Guidance Note: Trees & Landscaping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018
Development Control Manual November 2016
Technical Advice Notes

TAN 2 Planning and Affordable Housing (2006)
TAN 5 Nature Conservation and Planning (2009)
TAN 6 Planning for Sustainable Rural Communities (2010))
TAN 12 Design (2016)
TAN 16 Sport, Recreation and Open Space (2009)

Circulars

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 / impact on AONB
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)
- 4.1.5 Open Space
- 4.1.6 Ecology

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 1.2km outside the development boundary of 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). 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 Bwlch y Llyn

There is no dispute here that the site being considered is outside the development boundary of the village of Graigfechan. It is some 1.2km from the village, and in open countryside.

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 any grouping of dwellings in the vicinity of the application site. The applicant / agent are not suggesting BSC6 is a relevant consideration.

Local Development Plan policy BSC8 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), no evidence has been provided by the applicant to demonstrate that allocated housing sites are not likely to come forward in 5 years.

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 1.2km to the west. Respectfully, development of the site would not form a logical extension to this development boundary. A new dwelling on the site would represent an unacceptable sporadic and fragmented form of development unrelated to any existing buildings.

With regard to test iii), the applicant is arguing a case for an affordable dwelling in line with the Council's policies, based on financial considerations, inadequacy of current accommodation and local connection with the area.

The Council's adopted practice is to use Grwp Cynefin to undertake an assessment of eligibility. Following detailed consideration of the circumstances, Grwp Cynefin have confirmed that the applicant is not eligible for affordable housing. The Strategic Housing Strategy & Development Officer is in agreement with Grwp Cynefin's Assessment and has concluded that the applicant is earning sufficient money, has savings and there is availability of suitable properties in the area, which would mean that they the applicant is not eligible as he are not in affordable housing need

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 dwelling would comply with the requirements. Officers have reservations over the physical impact of development in the 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 applicant has confirmed willingness to enter into a S.106 agreement to ensure that the dwelling remains 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 as noted 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 proposal complies in terms of delivering local needs housing.

With respect to the applicants, Officers do not consider the proposal falls within the premise of the policy as the site is clearly not within a small group or cluster. The site is some 490m from the isolated Bwlch y Llyn farm complex. It is clearly in open countryside.

With regard to test i) of BSC9, Officers consider the proposals are also clearly in conflict. The development does not involve infilling of a small gap between buildings within a continuously developed frontage.

With regard to test ii), it would be hard to argue there is an issue of ribbon development here, as there are no strings of dwellings along a road frontage.

Whilst it is not possible to conclude on the acceptability of the detailing of the dwelling itself with an outline application, it seems reasonable to conclude that the building could be of a comparable scale and size, and be sited to respect adjacent properties (test iii) of BSC9, but as a dwelling would be an isolated feature in open countryside, it is difficult to conclude how this would respect the locality.

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.

With respect to reference to the proposal involving 'previously developed land', Officers do not consider this is the case, as the definition of 'Previously developed land' in Planning Policy Wales excludes 'where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings'. In any event, the emphasis in Section 3.51 in PPW is on the re-use of previously developed land within settlements, and this recognises that not all previously developed land is suitable for development, for example because of its unsustainable location.

In relation to the agricultural need arguments, as the applicants have stated the proposal is not for a rural enterprise dwelling, the application has not been referred to Reading Consultants for assessment. In respecting the contentions in the applicants Planning Statement, which suggests there is a current labour requirement for 3 full time workers on the holding, and emphasises the need for an additional dwelling in close proximity to the holding 'to ensure livestock welfare remains at the forefront', it is to be noted that there are already two dwellings at Bwlch y Llyn, including an agricultural worker's dwelling consented in 1988, which provide a full time presence to attend to emergencies.

Having regard to the above, 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 / impact on the AONB

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

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.

This reflects Planning Policy Wales 10 that which requires planning authorities should give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

The AONB Committee have expressed objections on the basis of the siting of the dwelling being sporadic and unrelated to existing buildings, and they consider it would be a discordant feature in an open landscape to the detriment of the character and appearance of the AONB.

Whilst there are no details of the proposed dwelling to consider, and it is possible that an individual dwelling could be designed to respect the character of other dwellings in the locality, this is an exposed open countryside location in the AONB, visible from the Offa's Dyke Long Distance footpath, where any building would be seen as an isolated development unrelated to any existing site or natural feature. Officers therefore have 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. 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.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and

crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

There are no representations raising comments on potential residential amenity impacts from this development.

Given the distance from the site to the nearest dwellings at Bwlch y Llyn, it is not considered that a development here would have any adverse impact on the residential amenities of the occupiers.

4.2.4 Highways (including access and parking)

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.

The highway officer has case officer has indicated there are no highways objections to the proposals. Full details of the access construction would need to be submitted for further approval.

4.2.5 Open Space

Local Development Plan Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

If a planning permission were to be granted, it would be necessary to secure the relevant contribution towards open space through condition or a legal agreement.

4.2.6 Ecology

Policy VOE 5 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. This reflects policy and guidance in Planning Policy Wales (Section 5.2) current legislation and SPG 18 – Nature Conservation and Species Protection, 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.

There are no objections expressed over the potential impact on ecology as a result of the development. The County Ecologist has recommended the imposition of conditions around the provision of bat and bird enhancement measures, submission of an external lighting scheme and to ensure works are undertaken outside of bird breeding season to ensure there are no negative impacts on protected species or the nature conservation value of the site.

A habitat plan has been submitted with the application which proposes additional planting in the future on a parcel of land located to the east of the application site on the hillside. It is also proposed to have native tree planting to the slope to the north of the proposed dwelling and a lawned, garden area to the south bounded by native hedgerow and tree planting. Other biodiversity enhancement measures could be integrated into the final design of the developments such as planting of native hedges, the provision of food sources, nesting and

roosting opportunities for birds, bats and other wild animals in planting schemes within gardens.

Subject to the inclusion of suitable conditions on any permission, it is suggested ecological interests can be suitably protected in relation to a development on this site.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 the applicants have suggested are of most relevance to the proposals for affordable housing outside development boundaries.

5.3 The main policies which the applicant 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 a dwelling in this open countryside location.

5.4 The applicants have not asked the proposal to be considered on the basis of agricultural need, albeit they are suggesting the needs of the farm enterprise merit an additional dwelling. It is to be noted in this context that there are already two dwellings on the holding at Bwlch y Llyn, and it is not considered there is an 'essential need' case established for a further full time presence there.

5.5 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:-

1. The application site lies in open countryside well 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. The circumstances advanced do not establish there is a case for a local needs affordable dwelling. Hence, 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 10.

2. The site lies within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty where development is strictly controlled in the interests 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.