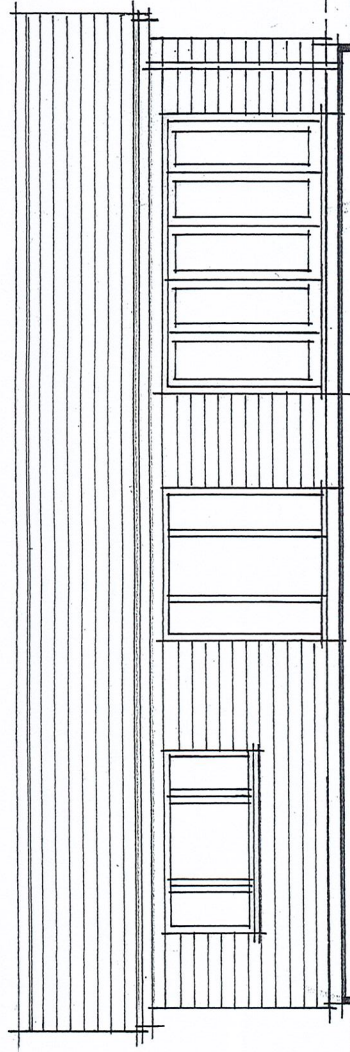


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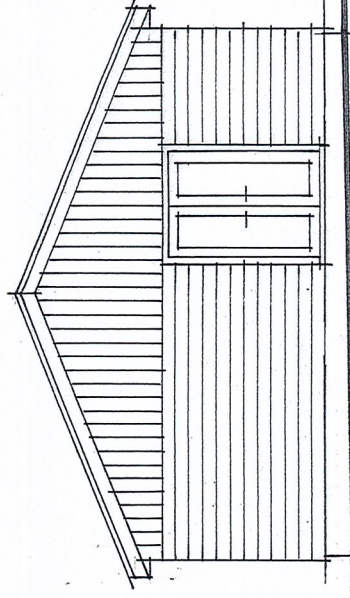
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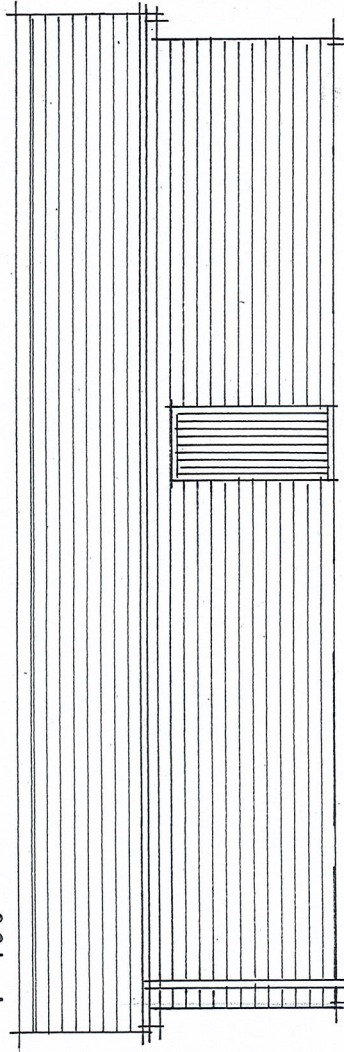
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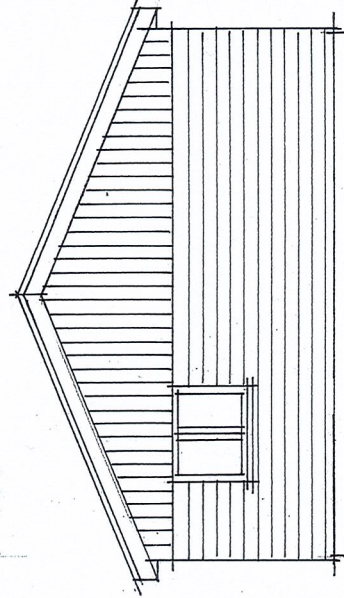
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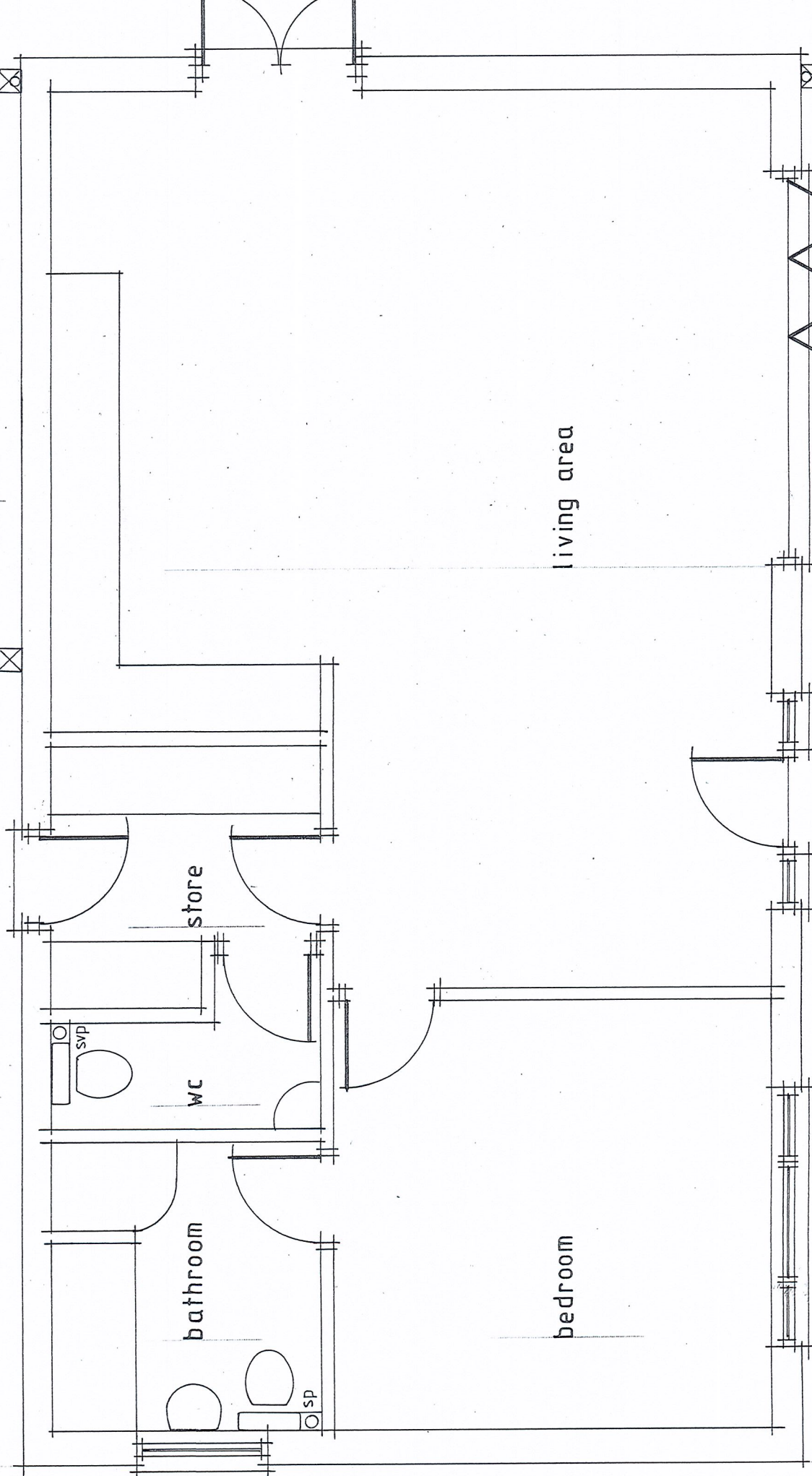
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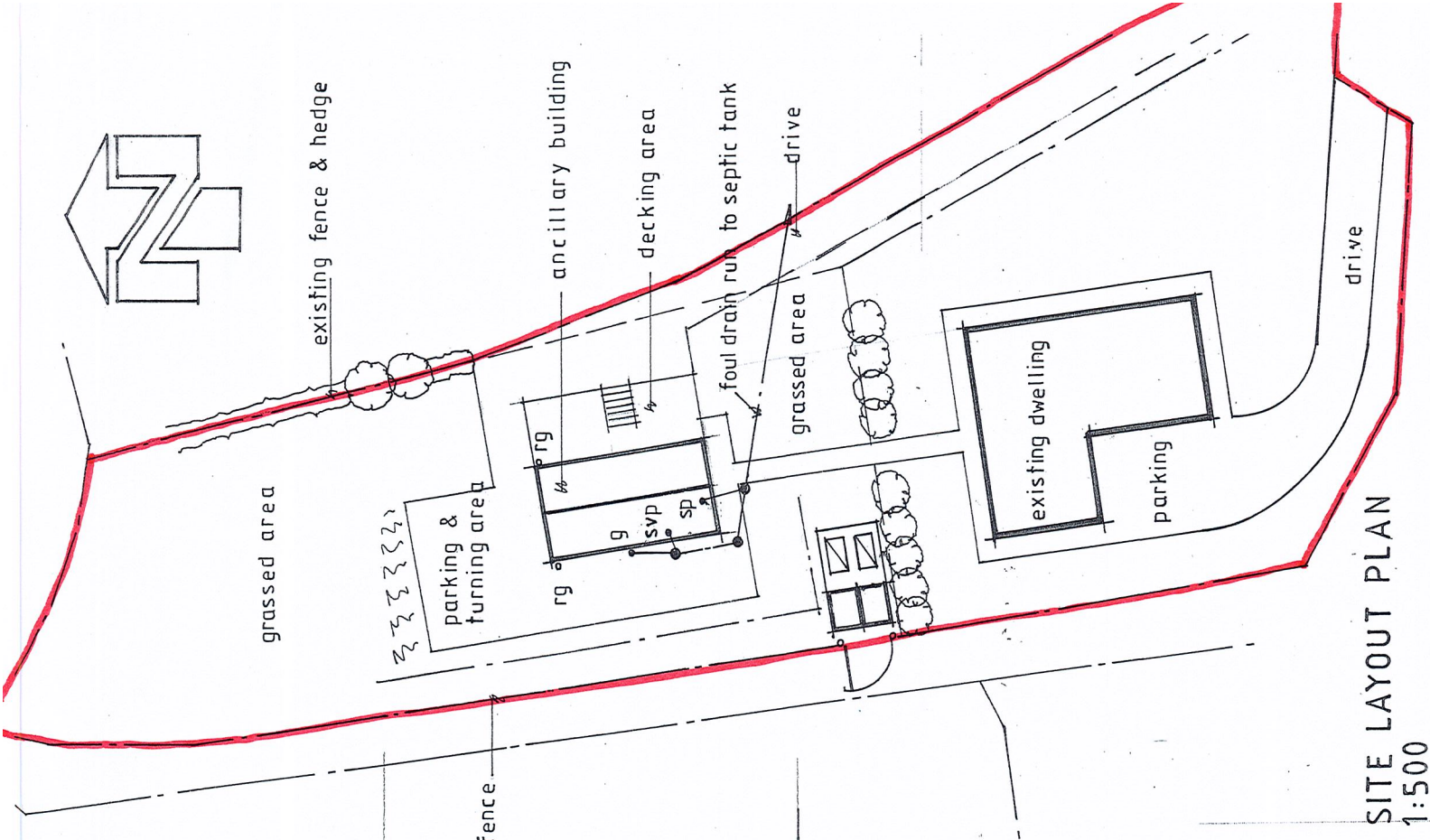
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SIDE ELEVATION
1:100



GROUND FLOOR LAYOUT PLAN
1:50



SITE LAYOUT PLAN
1:500

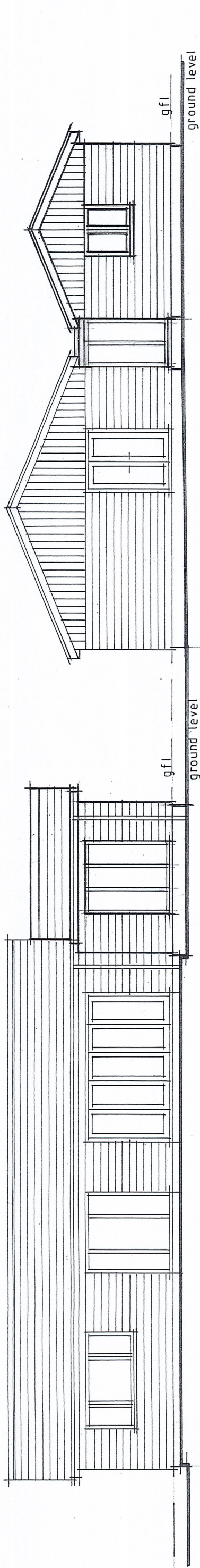
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MATISCHOK & ROSS
architectural services

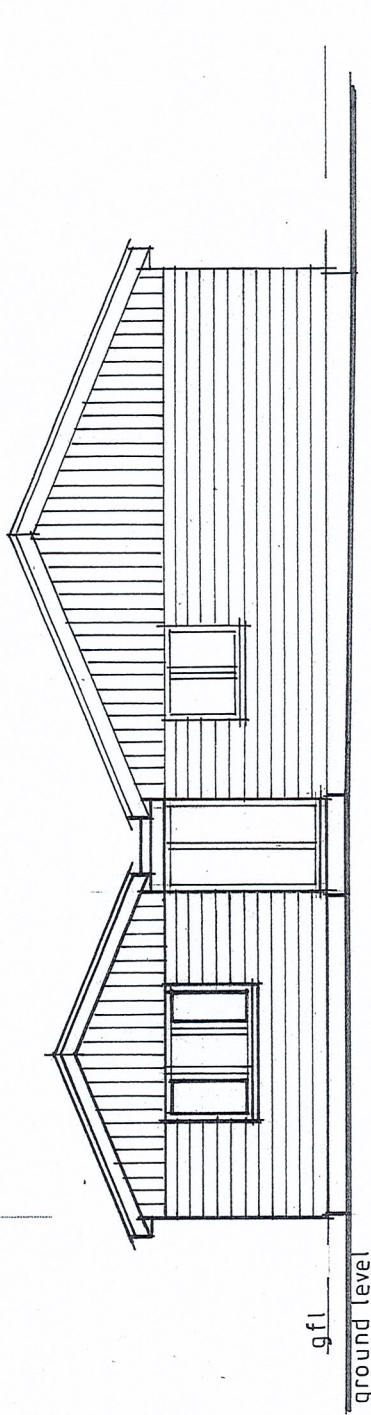
project title
THE PADDOCK, LLANFERRES, MOLD.
drawing title
Existing Plan, Elevations & Site Plan.

project no.	drawing no.	revision
0468	12	
date	scale	drawn by
26.11.19	1:50, 1:100, 1:500	PM

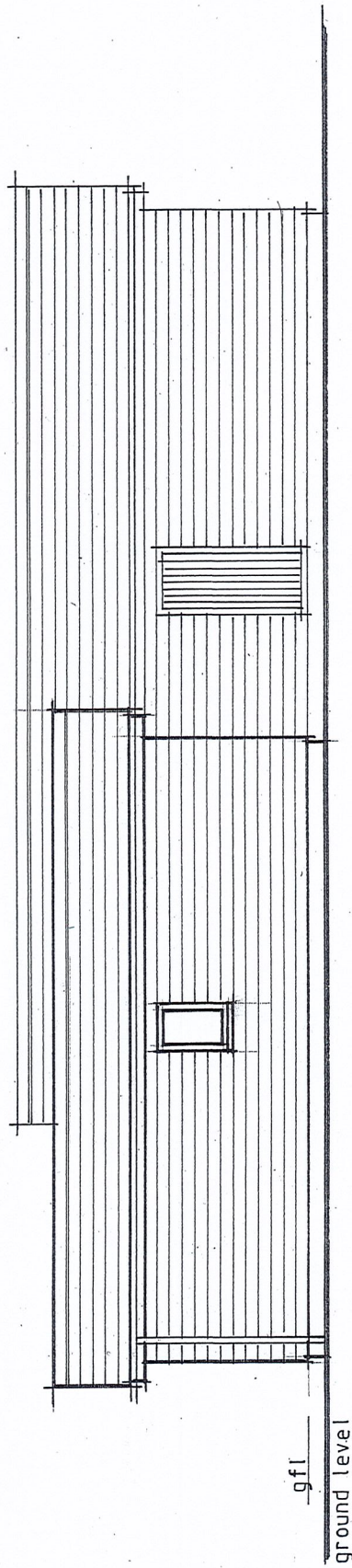
Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL15 1NA
t: 01824 705 222 f: 01824 707 171
e: mail@matischokross.co.uk w: www.matischokross.co.uk



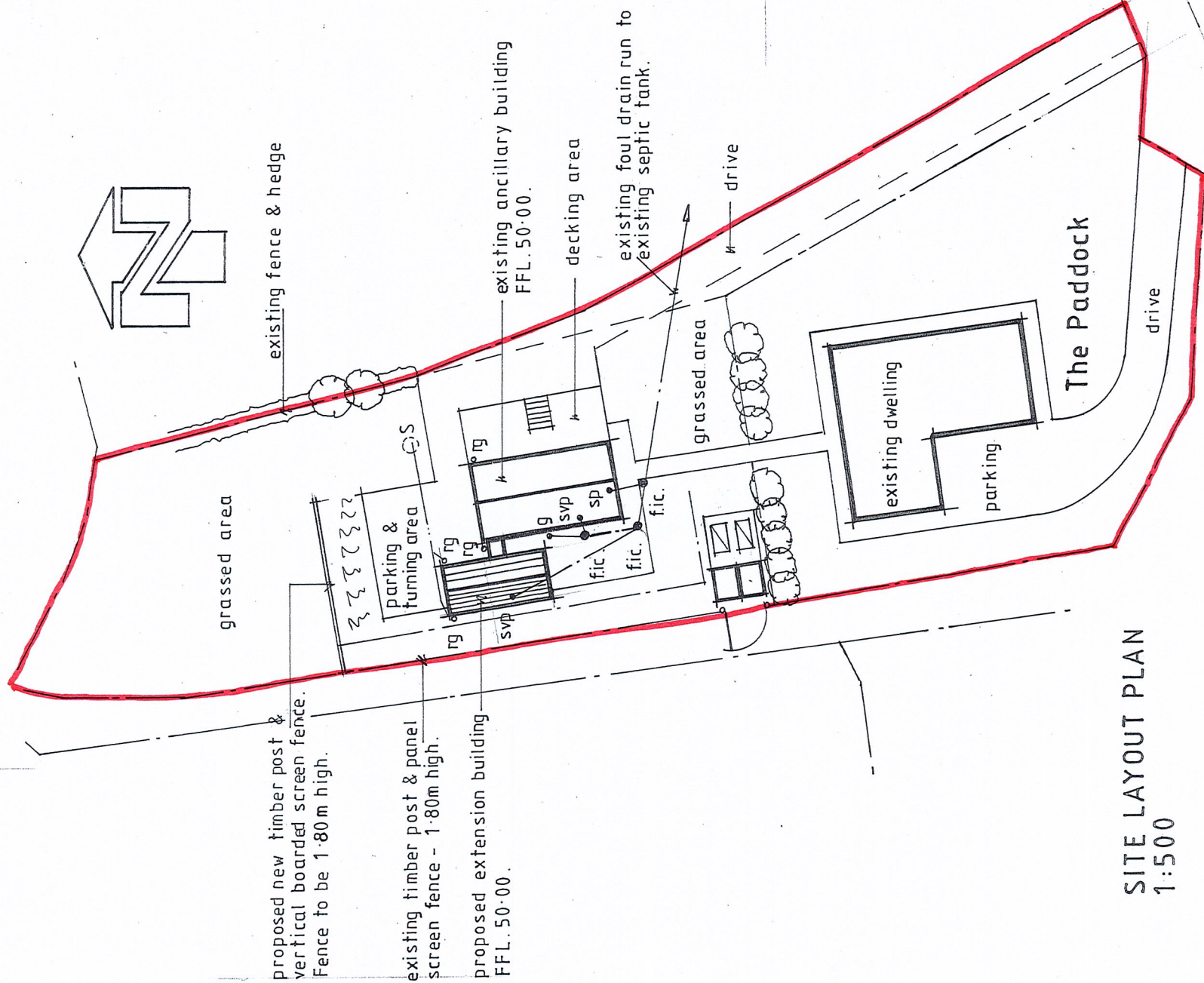
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


SITE LAYOUT PLAN
1:500

External Materials (to match existing ancillary building).

- Roofs :- New or second-hand natural blue/gray mineral slates.
- Walls :- Horizontal and vertical natural timber boarding - cedar or larch boarding.
- Windows & External Doors :- Black upvc/aluminium windows & external doors.
- Fascia & Barge Boards :- Black timber effect upvc fascia, barge and soffit boards.
- Rainwater Goods :- Black upvc gutters and down pipes.

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 MATISCHOK & ROSS architectural services			
project title	THE PADDOCK, LLANFERRES, MOLD.		
drawing title	Proposed Elevations & Site Plan.		
project no.	0468	drawing no.	14
date	02.12.19	scale	1:100, 1:500
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		drawn by	PM
Birch House, Hen Lon Parcwr, Ruthin, Denbighshire, LL15 1NA t 01824 705 222 f 01824 707 171 e mail@matischokross.co.uk w www.matischokross.co.uk			

WARD : Llanarmon Yn Ial / Llandegla

WARD MEMBER(S): Cllr Martyn Holland

APPLICATION NO: 21/2019/1032/ PF

PROPOSAL: Erection of extension to existing domestic ancillary building, formation of access track to serve the domestic ancillary building and associated works (Partly retrospective)

LOCATION: The Paddock Llanferres Mold

APPLICANT: Mr & Mrs Gary & Margret Davies

CONSTRAINTS: PROW
AONB

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommending refusal- Local Member Call in
Reasons: To allow the committee the opportunity to consider the need and justification for the proposed development.

CONSULTATION RESPONSES:

LLANFERRES COMMUNITY COUNCIL –

“No objection in principle but would refer the Planning Department to the previous proposal No. 21/2015/0213. This application should be subject to the conditions laid down in the original application”.

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

“The proposed extension will effectively create a 3 bedroom/2 bathroom detached dwelling which functions independently from the primary residence. In this context, the committee would query whether this application should be more appropriately considered as an application for a rural enterprise dwelling with the usual tests applied to determine the acceptability of the proposals.”

RESPONSE TO PUBLICITY:

Representations received neither support nor object:
Paul and Gwenda Jelley, Bryn Ffynnon Farm, Forestry Road, Llanferres

Summary of planning based reasons:

Questioned whether the new driveway is included in the application

Questions the use of the ancillary building as domestic accommodation suitable for a family home

It is not required for someone to live on the site and there are many affordable homes available in the area

Concerns that this development will set a precedent for similar applications for new dwellings in the open countryside on larger properties.

RECONSULTATION RESPONSES:

Submission of amended plans to include the new access driveway serving the ancillary building shown within red line boundary and included as part of the application description.

LLANFERRES COMMUNITY COUNCIL-

Previous comments still stand. Fully support comments made by AONB.

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

Retains the view that the extension will effectively create a 3 bedroom/2 bathroom detached dwelling which functions independently from the primary residence. The separate access track reinforces the impression that this is an independent dwelling. Query whether a rural enterprise dwelling application would be more appropriate.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES-
Highways Officer- No objection

RESPONSE TO PUBLICITY:

Representations received in objection:

Paul and Gwenda Jelley, Bryn Ffynnon Farm, Forestry Road, Llanferres

Summary of planning based reasons for objection:

- Another retrospective application as track is already existing
- Inaccuracy of plans, hedgerow removed and curtilage increased onto agricultural land without planning permission
- The public footpath along the hedgerow has not been included on the plan
- Fully support AONB and Community Council's comments

EXPIRY DATE OF APPLICATION: 02/02/2020

EXTENSION OF TIME AGREED: 09/10/2020

REASONS FOR DELAY IN DECISION (where applicable):

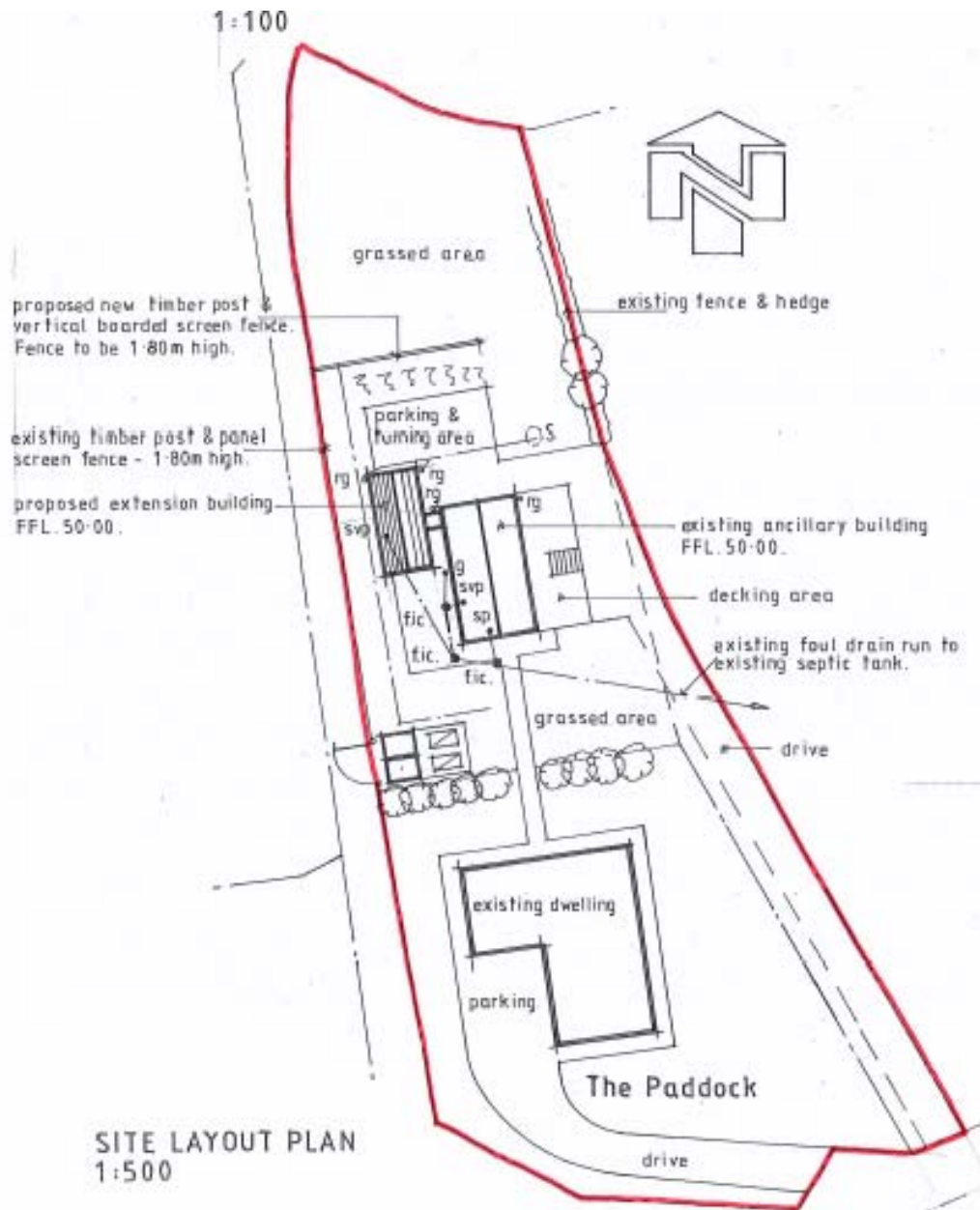
- additional information required from applicant
- Discussions with Legal Officer
- Awaiting consideration by Planning Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

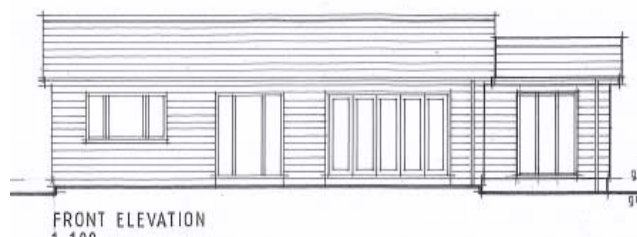
1.1 Summary of proposals

- 1.1.1 The application seeks permission for the erection of a single storey timber clad linked extension to the rear of an existing ancillary outbuilding including the formation of a private access drive to serve the ancillary building only, in connection with the main dwelling, The Paddock, Llanferres.



Proposed site plan showing location of main dwelling to the south of the ancillary building and the location of the rear extension to the ancillary building.

- 1.1.2 The rear extension would measure 4.3m x 9m and would comprise 2 bedrooms, a bathroom and lobby area. It would have a pitched roof with a ridge height of 3.7m and eaves height of 2.8m.



Front elevation

- 1.1.3 Windows are proposed to each gable end and patio doors to the front elevation with a small window to the rear to serve the bathroom. It would be connected to the existing outbuilding by a glazed link.



Side elevations showing glazed link

1.2 Description of site and surroundings

- 1.2.1 The site is situated in the open countryside in an elevated position adjacent to the dwelling known as The Paddocks which it is separated by a tall mature hedge with a footpath through for access.
- 1.2.2 It is an existing single storey timber outbuilding located on the site of former disused tennis courts and has its own private garden space, terrace decking and driveway and parking area which is separate to the main dwelling.
- 1.2.3 A public footpath runs along the eastern boundary of the site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located outside of any development boundary and is situated within the AONB protected designation as described in the LDP.

1.4 Relevant planning history

- 1.4.1 Permission was granted for the existing outbuilding in 2015. The floor plan for the 2015 permission showed the building to provide 1 bedroom with ensuite, office/study, and garden equipment storage area. Conditions were attached to the permission to ensure that the building remained as ancillary use/accommodation in connection with the main dwelling.

1.5 Developments/changes since the original submission

- 1.5.1 Additional justification provided to prove the building is used as ancillary accommodation to the main dwelling.
- 1.5.2 Amendment to red line boundary to include the formation of the new access driveway which serves the ancillary building and amendment to application description to include this detail.

1.6 Other relevant background information

- 1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 21/2015/0213 Erection of ancillary domestic building, GRANTED 24/04/2015

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 BSC1 – Growth Strategy for Denbighshire

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 RD3 – Extensions and alterations to existing dwellings

Policy VOE2- Area of Outstanding Natural Beauty/Area of Natural Beauty

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Space Standards

3.2 Government Policy / Guidance

Planning Policy Wales Edition 10 December 2018

Development Control Manual (2016)

3.3 Other material considerations

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 including impact on Area of Outstanding Natural Beauty

4.1.3 Residential amenity

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales Edition 10 (PPW10) paragraph 3.5.6 states development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

Policy RD 3 relates specifically to the extension and alteration of existing dwellings, and states that these will be supported subject to compliance with detailed criteria. The Residential Development SPG offers basic advice on the principles to be adopted when designing domestic extensions and related developments. The existing ancillary outbuilding would be regarded as an extension in this context and therefore the principle of appropriate extensions and alterations to existing dwellings is therefore acceptable.

Concerns have been raised by neighbours and the AONB Committee regarding the principle of the development as the application appears to result in creation of a new 3 bed dwelling in the open countryside with no justification provided considering there are a number of affordable homes in the area for a young family. Concerns were also raised that this development would set a precedent for further residential development in the open countryside.

The application proposes extension to an existing detached ancillary outbuilding. The extension would comprise additional 2 bedrooms and bathroom. Following the site visit into the property by the Case Officer, it was evident the ancillary building was being used as a separate unit of accommodation as it had all the amenities required to function separately from the main dwelling, including, kitchen, dining, living area, utility, 2 bathrooms and a bedroom. The unit is screened from view from the main dwelling, The Paddocks, by a tall hedge and has its own private driveway off the main access to The Paddocks and its own parking and turning area to the front and side.



Main dwelling to the left with ancillary building screened off



New driveway to serve ancillary building

Policy RD3 states that extensions are supported to existing dwellings, which includes the creation of ancillary domestic accommodation, providing it retains some reliance on the main dwelling and does not form its own separate self-contained dwelling. It is stated that the son of the occupiers of the main dwelling lives in the unit with his wife and child who visits on weekends and the additional bedrooms are to accommodate a growing family.

The applicants have stated that the building remains ancillary to The Paddocks despite acknowledging the building has all the day-to-day facilities to run independently from the main dwelling except for a reliance on utilities such as water and electricity supply which come from the main dwelling. The unit does not have a separate postal address registered with Royal Mail nor is it registered for paying Council Tax.

Officers consider that for an outbuilding to remain ancillary it must meet the following tests:

- Form part of the main dwelling, or be clearly related to it, so it cannot be simply split off to create a self-contained new dwelling in the future
- Have some link / degree of dependence on the main dwelling
- Contain the minimum necessary additional accommodation to meet the identified need for annex accommodation (not containing every room which would be expected in a normal dwelling)

In this case, the proposal is to extend an existing ancillary building which effectively creates a 3 bedroom, 2 bathroom unit with all the amenities of a self-contained dwelling. It has a proposed internal floor area of approximately 126sqm which is 45.5sqm above the 80sqm floor space standards for a 3 bed property described within the SPG- Residential Space Standards. The unit is physically separated from the main dwelling, screened from view from this property and has its own access, driveway and parking space. Given the amount of garden space around the main dwelling and the ancillary building, there is no doubt that amenity standards could also be met and the ancillary building could be easily severed from the main dwelling creating its own planning unit.

Having regard to the comments provided by the Community Council and the conditions imposed on the original permission from 2015, it is considered that it may be possible for a development to be acceptable in planning terms subject to tying occupancy conditions. Paragraph 5.43 of the Circular states that, *it may be appropriate to impose a planning condition to ensure the annexe is only used as ancillary accommodation to the main dwelling house and to prevent its occupation independent of the main house.*

The applicant's Planning Consultant suggested that the applicant enters into a S106 agreement or provides a Unilateral Undertaking that:

- '(1) Prevents the sale or lease of the ancillary accommodation separately from the main dwelling; and possibly,*
- (2) Restricts the occupation of the ancillary building to family members of those residing in The Paddocks.'*

Officers consider that any S106 agreement would need to meet the Welsh Government Circular 016/214 tests for the acceptability/use of S106 agreements and would need to be in accordance with policy to make the otherwise unacceptable development of a new dwelling in the open countryside, acceptable in planning terms. Officers are of the opinion that, in spite of covenants in the S106, it would still be an unacceptable development in planning terms.

Officers have concerns whether the building is being used as an annexe at all but it still has to be rationalised as to whether a tying condition is justified i.e. that the severance of the "dwelling" to be created would do harm to planning objectives,

- a) in policy terms where an additional dwelling would otherwise be prohibited, such as in a rural area, or
- b) in amenity or traffic terms where a severed additional dwelling would have inadequate space for normal domestic requirements such as amenity space, turning or parking, or used independently would create amenity harm for neighbours.

Officers consider that there is no reasonable doubt that the unit would be physically and functionally separate from the main dwelling. It would have all the necessary day to day living facilities required and there would not therefore be the necessary degree of dependency upon the main dwelling as to render its use ancillary to the main dwelling.

The application is therefore considered to be tantamount to the creation of a new dwelling in the open countryside and is therefore against Local and National Policy.

Having regard to the comments provided by the AONB Officer around the applicant alternatively applying for a Rural Enterprise Dwelling connected with the Sawmill Business, the agent has confirmed that the Sawmill Business on the site would not be able to justify a new dwelling for a rural worker on site as they would not be able to satisfy the criteria contained in TAN 6: Sustainable Rural Communities.

Consideration has also been given to the 'exceptions' policies within the LDP (Policies BSC 6, BSC 8 and BSC 9) which set out the circumstances where residential development in the open countryside might be justified where it is to meet a demonstrable local need for affordable housing. No such case has been made in this instance.

In conclusion, Officers consider the proposed extension to an existing ancillary building would consolidate the concerns that the building is used as a persons' sole and main place of residence and is operating as a separate independent unit. It is not considered reasonable to include occupancy conditions similar to those previously approved under the 2015 permission as a building with 3 proposed bedrooms and all other facilities would clearly be used as a separate residential dwelling. Securing the occupancy of the dwelling to members of the same family through a S106 agreement is also not considered reasonable as it confirms that the building is being used as a main place of residence and would not make the development acceptable in planning terms. As proposal for what is tantamount to the creation of a new dwelling in the open countryside, there are no exceptional circumstances or material planning considerations that override the restrictions to developing new dwellings in the open countryside. The proposal is in conflict with Local and National Policy and therefore unacceptable in principle.

4.2.2 Visual Amenity including impact on Area of Outstanding Natural Beauty

Criteria i) of Policy RD 3 requires the scale and form of the proposed extension or alteration to be subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application is made.

Criteria ii) of Policy RD 3 requires that a proposal is sympathetic in design, scale, massing and materials to the character and appearance of the existing building.

Criteria iii) of Policy RD3 requires that a proposal does not represent an overdevelopment of the site.

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.

There are no representations raising visual amenity issues.

The proposal is for the erection of an extension to an existing detached ancillary building. The extension would comprise an additional 2 bedrooms and bathroom.

Having regard to the design of the extension, it is considered to be in keeping with the character of the existing building and is subordinate in size and scale to the existing building. It is not considered to raise unacceptable visual amenity concerns as it is connected by a glazed link and is set back behind the existing building. Nevertheless, the application site is located within the AONB and therefore development should be designed to ensure there is no visual harm to the character and appearance of the landscape. As the unit is already in existence, it is not considered the extension would raise unacceptable visual amenity concerns, more than what already exist. However, questions over the principle of the development have been raised, primarily in relation to the unit being used as a separate unit of accommodation which could be tantamount to a new dwelling in the open countryside resulting in potential negative impacts on the AONB if this development sets a precedent for similar schemes within the AONB and elsewhere.



Existing ancillary building frontage

Having regard to the design, siting, scale, massing and materials of the proposed extension, in relation to the character and appearance of the dwelling itself, the locality and landscape within the AONB, it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

4.2.3 Residential Amenity

Criteria iii) of Policy RD 3 requires that a proposal does not represent an overdevelopment of the site.

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.

The impact of the proposals on visual amenity is therefore a basic test in the policies of the development plan.

The Residential Development SPG states that no more than 75% of a residential property should be covered by buildings.

The Residential Space Standards SPG specifies that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

There are no representations raising residential amenity issues.

The proposal is for the erection of an extension to an existing detached ancillary building. The extension would comprise an additional 2 bedrooms and bathroom.

Given the location of the building, and distances to other properties and orientation of windows it is not considered that the proposal would impact unacceptably on the amenity of neighbouring properties. It is also considered that sufficient garden area would remain for the benefits of the occupants of the main dwelling and users of the ancillary building.

It is considered that the proposals would comply with the requirements of the policies listed above, and therefore the impact on residential amenity would be acceptable.

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the tests of the policies referred to.

4.2.4 Highways

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 highway impacts of development should therefore be regarded as a potential material consideration.

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 (PPW) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

Representations have been received regarding the construction of a new access driveway which now forms part of the current application and is shown on the location/site plans. The parking and turning area to the side of the ancillary building has been shown including a new fence to the side screening a private lawned area. Highways Officer's have raised no objection to the proposed driveway and parking arrangements at the site. It is considered that the new driveway serving the ancillary building is not unacceptable on highways grounds.

Officers are of the ~~opinion~~ **opinion** that the new driveway reinforces the impression that the outbuilding functions as separate unit with its own parking and turning space which is completely separate to the main dwelling.

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 It is the opinion of Officers that the proposed extension and private access driveway to the ancillary building consolidates the fact that the building is being used as an independent dwelling, physically and functionally separate to the main dwelling which is against Local and National Policies around development in the open countryside and therefore the application is considered to be unacceptable and is recommended for refusal.
- 5.2 It is not considered reasonable to include occupancy conditions similar to those previously approved under the 2015 permission as a building with 3 proposed bedrooms and all other facilities would clearly be used as a separate residential dwelling. Securing the occupancy of the dwelling to members of the same family through a S106 agreement is also not considered reasonable as it confirms that the building is being used as a separate dwelling by a family member and would not make the development acceptable in planning terms. It also sets a precedent for similar developments in the open countryside, contrary to Local and National Policy.

RECOMMENDATION:

- REFUSE TO GRANT PERMISSION for the following reason:

1. It is the opinion of Local Planning Authority that the proposed extension to an existing ancillary building and formation of private driveway and access would result in the creation of an independent dwelling which is physically and functionally separate to the main dwelling. It has not been demonstrated that there is an essential or exceptional need for a dwelling in this open countryside location. The proposal is therefore considered to be contrary to rural restraint policies and is in conflict with adopted Local Development Plan Policies BSC1, BSC6, BSC8 or BSC9, Technical Advice Note 6, Technical Advice Note 6 Practice Guidance Rural Enterprise Dwellings and advice set out in Planning Policy Wales (Edition 10).