



© Crown copyright and database rights 2021 Ordnance Survey 100023408

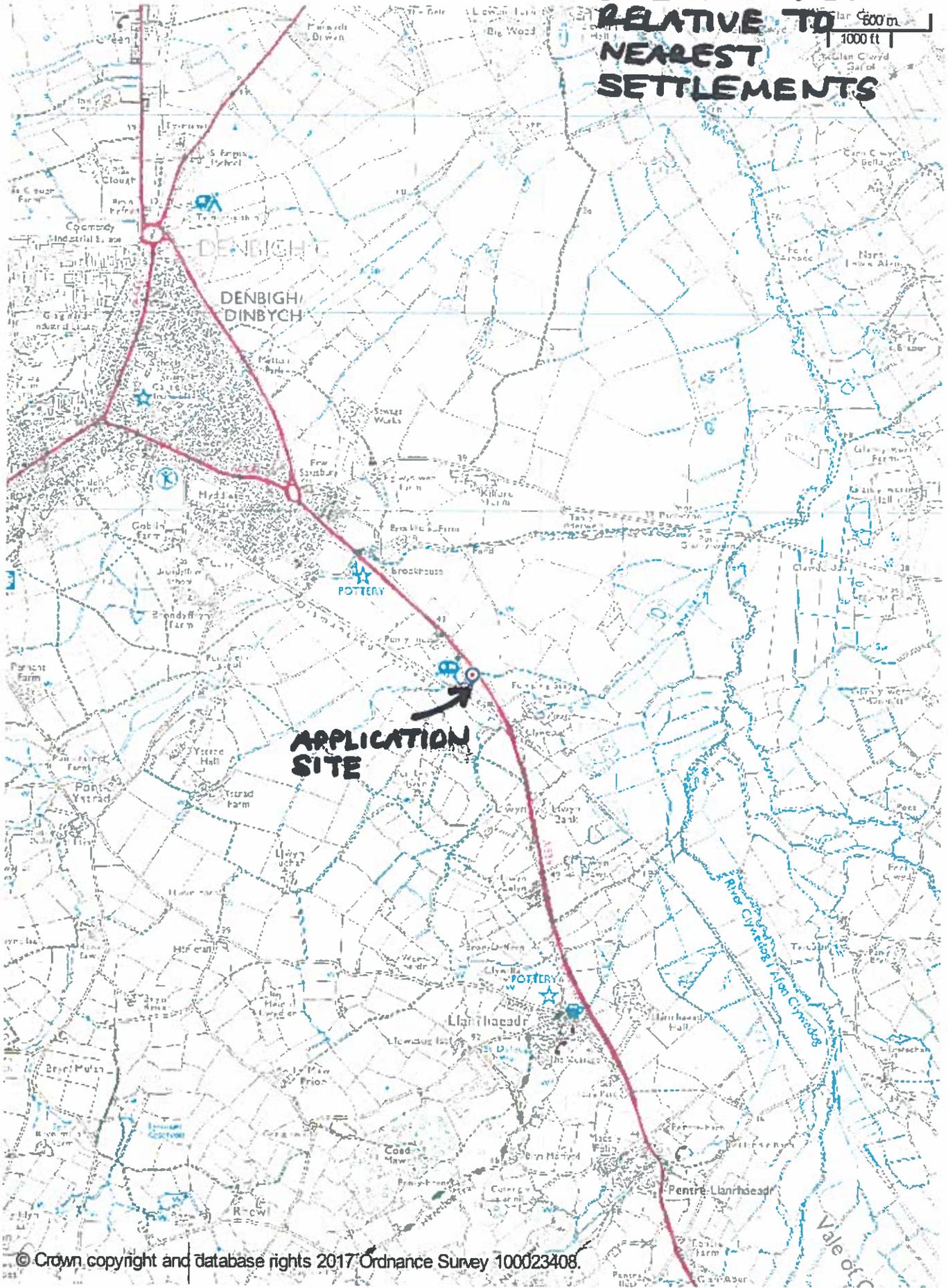
23/2021/0108

Scale: 1:2500

Printed on: 30/3/2021 at 10:17 AM

SITE LOCATION RELATIVE TO NEAREST SETTLEMENTS

600m
1000ft



© Crown copyright and database rights 2017 Ordnance Survey 100023408.

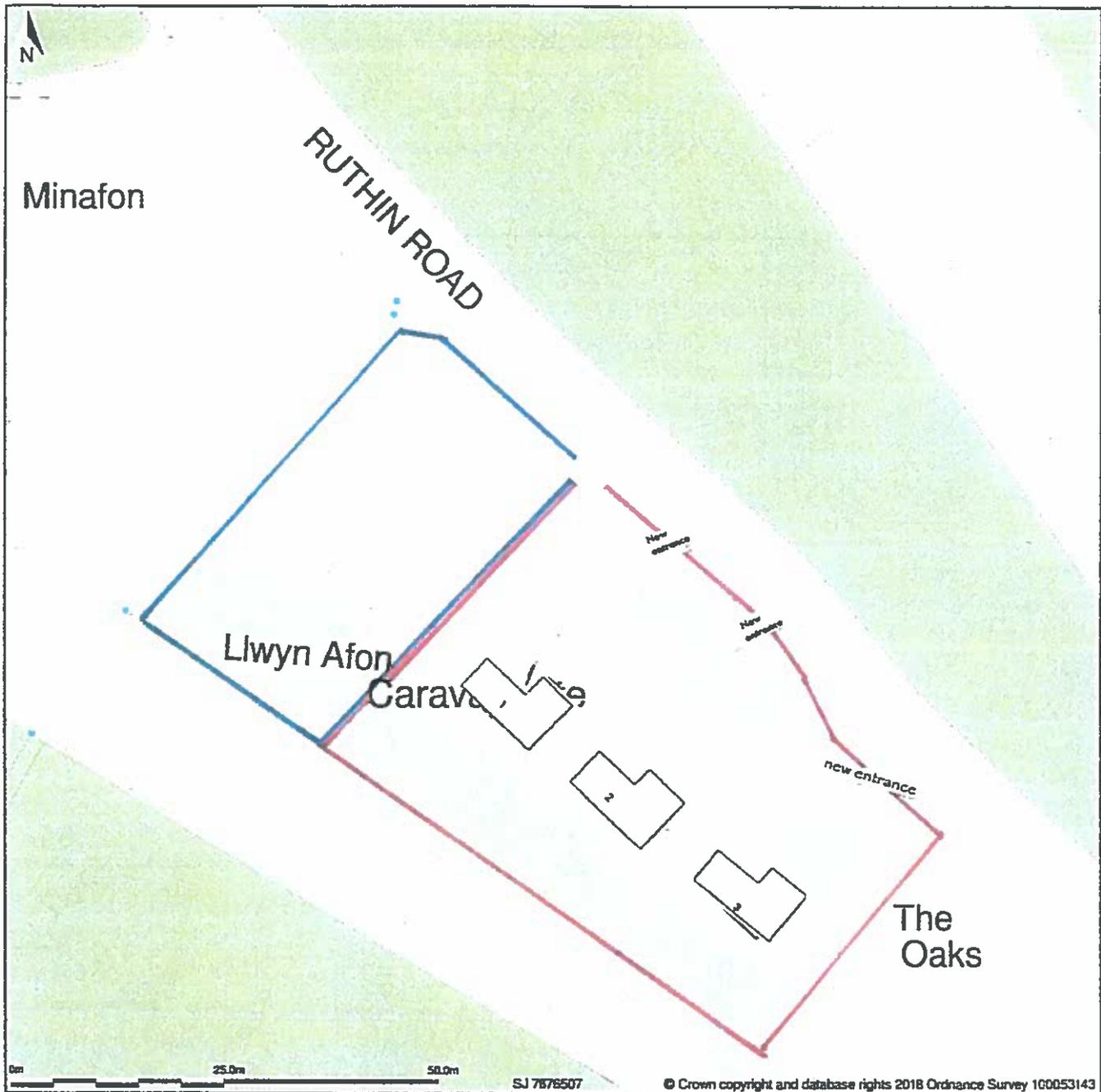
Enter Title Here
Scale: 1:25000

Printed on: 8/5/2018 at 9:55 AM



© Denbighshire County Council

Llwyn Afon, A525 Pentre Llanrhoeadr Xrds To Brookhouse Mill Jct, Llanrhoeadr, Denbigh, Denbighshire, LL16 4NG



Block Plan shows area bounded by: 367611.0, 365911.6, 367738.6, 365128.6 (at a scale of 1:500). OSGridRef: SJ 7676507. The representation of a road, track or path is no evidence of a right of way. The representation of features on lines is no evidence of a property boundary. Produced on 27th Mar 2018 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2018. Supplied by www.beyondata.co.uk a licensed Ordnance Survey partner (180053143). Urban plan reference: 60008335-FD1238. Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Bay A Plan logo, pdf design and the www.beyondata.co.uk website are Copyright © Pass Inc Ltd 2018

The approximate layout of the of the properties;
not drawn to scale for reference only.

16 APR 2018

The approximate layout of the of the properties;
not drawn to scale for reference only.

There are no existing structures on the caravan park

Upper and lower limits for proposed dwellings
 Height: 5.5m
 Width: 10m
 Length: 18m

Llwyn Afon Caravan Park
 Llanrhoeadr
 Denbigh
 Denbighshire
 LL16 4NG

28 March 2018









WARD : Llanrhaeadr Yng Nghinmeirch

WARD MEMBER(S): Cllr Joseph Welch

APPLICATION NO: 23/2021/0108/PS

PROPOSAL: Variation of condition no's 2 and 3 of outline planning permission code no. 23/2018/0268 to allow a further 2 years for the submission of reserved matters

LOCATION: Land at Llwyn Afon, Llanrhaeadr, Denbigh

APPLICANT: Mr Gwyn Jones

CONSTRAINTS: None.

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

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

COMMUNITY COUNCIL
No objection.

NATURAL RESOURCES WALES
No objection based on the assessment and conclusions of the submitted ecological survey.

DWR CYMRU / WELSH WATER
DCWW raise no objection to the application. However, request that any drainage conditions are carried onto any new consent.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
- Highways Officer
No objection.

- Ecology Officer
Not responded at time of writing.

- Strategic Planning & Housing Officer
Not responded at time of writing.

RESPONSE TO PUBLICITY:

No representations received.

EXPIRY DATE OF APPLICATION: 01/04/2021

REASONS FOR DELAY IN DECISION:

- awaiting consideration by Committee.

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes Variation of Condition number 2 and 3 of outline planning permission Reference 23/2018/0268, which is sought in order to allow a further 2 years for the submission of reserved matters. The original conditions stated:

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The Development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

- 1.1.2 The reason for these conditions was *'To comply with the provisions of Section 92 of the Town and Country Planning Act 1990'*. Paragraph 6 of Section 92 of the Town and Country Planning Act 1990 relates to determining longer or shorter periods for submission of reserved matters/ implementation of an outline planning permission and states that *'In considering whether to exercise their powers under subsections (4) and (5), the authority shall have regard to the provisions of the development plan and to any other material considerations'*.

- 1.1.3 Application 23/2018/0268 was an outline planning permission for the *'Development of 0.244ha of land by the erection of three dwellings (outline application with all matters reserved)'*. The description of the application on the original submitted forms was for *'Change of use from Caravan Park; Outline Planning for two residential dwellings and one affordable home'*. All 'reserved matters' (access, scale, layout, landscaping, and appearance) would be the subject of a detailed submission at reserved matters under a separate application.

- 1.1.4 The approved plans identified the site and detailed illustrative layouts for the location of the three dwellings, and indicated that these would be served by separate vehicular accesses. The plan is at the front of the report.

- 1.1.5 The application includes a Planning Support Statement, a Design and Access Statement, and a Preliminary Ecological Appraisal. In summary these documents set out the following:

- Planning Supporting Statement

Due to the pandemic the applicant requests that committee members be sympathetic and support the application due to Covid-19. The applicant states that due to the national lockdown the number of clientele visiting the site has been limited due to travelling restrictions etc.

The applicant sets out the following:

'There are no policies relevant to the Variation of Conditions in the Local Development Plan but the following are significant to support our application. Development Management Manual: Section 13 Amendments to Permission Specific matters relevant to section 73 applications. 13.3.12 Sections 73(2) and (4) of the 1990 Act restricts the LPA in their determination of section 73 applications. The effect of the provisions is to limit the LPA to considering the question of whether the conditions identified in the section 73 application. The Local Planning should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them.

The LPA cannot revisit the original permission and reconsider whether it should have been granted in the first place.

13.3.13 The LPA can grant permission unconditionally or subject to different conditions. They can refuse the application if they decide that the original conditions should continue. The original planning permission will continue whatever decision is taken on the section 73 application.

Town and Country Planning Act 1990 Section 73, states that only the disputed conditions should be considered, it is not a complete re-consideration of the application. Some or all of the conditions could be removed or changed by making an application to the local planning authority under section 73 of the Town and Country Planning Act 1990. In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse under section 73 can be appealed to the Secretary of State who will also only consider the condition/s in question.

Our proposal is` for an extension for the variation of conditions 2 and 3 due to the pandemic, we are not proposing that the conditions be detached, we were granted planning permission by committee members who are democratically elected to decide applications along with the LPA.

Cwm Tawel Llandyrnog was granted permission for two conditions comparable to our proposal to vary conditions 2 and 3, albeit their application was in compliance with the LDP. Our application has been granted permission legally by committee members and merits equal fairness.'

- Design and Access Statement

The Design and Access Statement is from the original application and summarises the proposed development and planning policy.

- Preliminary Ecological Appraisal

The report is from the original application and concluded that the development would have a minimal impact on any protected or notable species or habitats.

- 1.1.6 A Section 106 Legal Agreement was also signed in order to release the outline permission which included provision for:
- One Affordable Housing Unit (either via a Registered Social Landlord as a Shared Equity Unit or Intermediate Rent Unit or let privately as an intermediate rent).
 - An Open Space Contribution (off site)

1.2 Description of site and surroundings

- 1.2.1 The site lies in open countryside on the west side of a spur road off the A525 as it approaches the town of Denbigh from the south. It is located between this spur road and the land which was formerly part of the Denbigh – Ruthin railway line.
- 1.2.2 The site is some 1.5km from the outskirts of both Denbigh and Llanrhaeadr village.
- 1.2.3 It is a flat area of land sitting between the applicant's dwelling Llwyn Afon (to the north-west), and The Oaks, a private dwelling in separate ownership to the south east. There is a further dwelling, Minafon, immediately to the north west of Llwyn Afon, and a loose scattering of dwellings further to the south, the nearest of which is Llwyn Bach, some 130 metres from the nearest part of the site.
- 1.2.4 The location of the site relative to Denbigh town and Llanrhaeadr village, and the respective relationship between the site, highways, and the dwellings in this locality can be appreciated from the plans at the front of the report.
- 1.2.5 Measured off the submitted location plan, the site has a road frontage of some 60 metres.
- 1.2.6 The site itself consists of areas of mown grass with a number of ornamental trees, a service track loop off an access onto the highway, with a long established hedgerow along the majority of the highway boundary and the boundary with The Oaks. The site backs onto the old railway embankment.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located in the open countryside. The site is within the Vale of Clwyd Landscape of Outstanding Historic Interest.

1.4 Relevant planning history

1.4.1 Outline Planning permission 23/2018/0268 was an outline planning permission for the 'Development of 0.244ha of land by the erection of three dwellings (outline application with all matters reserved). This included one affordable dwelling and two open market dwellings. No application for reserved matters has been submitted to date, therefore the permission would remain valid until the 2nd October 2021.

1.4.2 There is a considerable planning history relating to the application site prior to the above permission, dating back to the development of a garden centre in the early 1980's, detailed in section 2.1 of the report.

1.4.3 The dwellings at Llwyn Afon and The Oaks were consented during Glyndwr District Council days, and built in connection with the garden centre. Following closure of the garden centre, permission was granted in 2001 to use the land as a touring caravan site, and in 2004 for use as an 8 van static caravan site. Permission was granted on appeal in 2010 for the 12 month occupation of the static caravans for holiday purposes

1.4.4 Applications to develop the site for residential purposes were submitted in 1998, 2006 and 2007. All were refused permission on the 'in principle' grounds that the site was in open countryside, outside defined development boundaries, in an unsustainable location, there were no 'essential need' or planning policy justification. The 2008 refusal was the subject of an appeal, but this was dismissed by the Planning Inspectorate. Issues raised in that appeal which have some relevance to the current application are referred to elsewhere in the report.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 None.

2. **DETAILS OF PLANNING HISTORY:**

Earlier applications in the sequence below relate to land previously developed in conjunction with a garden centre, a caravan site and subsequently the outline planning permission for the erection of three dwellings.

2.1 34/4129 Development of land by the erection of a bungalow and establishment of a garden centre and construction of vehicular access and septic tank (outline application). REFUSED 19th February 1980 (Sporadic form of residential development, no essential need / special circumstances)

2.2 34/4244. Erection of garden centre GRANTED 3rd June 1980

2.3 34/4631 Development of land as garden centre GRANTED 14th July 1980

2.4 34/4932 Development of land by the erection of a bungalow and garage, construction of vehicular accesses and septic tank (outline application) GRANTED 7th April 1981

2.5 34/8237 Development of land by the erection of an agricultural worker's bungalow, construction of septic tank and alteration of existing vehicular access (outline application) REFUSED 17th October 1986

2.6 34/9279 Development of land by the erection of a bungalow and alteration of existing vehicular access (outline application) REFUSED 11th March 1988 (Sporadic

residential development outside any recognisable settlement, no proven essential need for a dwelling) Subsequent appeal DISMISSED

- 2.7 34/9460 Development of land by the erection of a bungalow and alteration of existing vehicular access REFUSED 24th June 1988 (Sporadic form of residential development outside any recognisable settlement, no essential need for a dwelling).
- 2.8 23/894/98 Development of 0.2 hectares of land for residential purposes and installation of septic tanks (outline application). REFUSED 17th December 1998 (No special circumstances to constitute a special need in Green Barrier and open countryside; sporadic development impacting on open character of area; precedent)
- 2.9 23/2000/1016 Use of land as touring caravan site including erection of amenity block and alterations to existing vehicular access GRANTED 8th May 2001
- 2.10 23/2003/1238 Change of use of land from 12 touring caravan site to 12 van static caravan site REFUSED 25th February 2004
- 2.11 23/2004/0749 Change of use of land from 12 van touring caravan site to 8 van static caravan site GRANTED 1st September 2004
- 2.12 23/2006/1480 Development of 0.27ha of land for residential purposes (outline application) REFUSED 11th April 2007 (Outside settlement limits, not within a group of dwellings as defined in planning policy, no essential need, unsustainable location, inadequate drainage detailing)
- 2.13 23/2007/1351 Development of 0.25 ha of land by the erection of 3no. dwellings and installation of private treatment plant (outline application) REFUSED 14th March 2008 (Outside settlement limits, sporadic development, no essential need, not infilling, no affordable need case justified, unsustainable location) Appeal DISMISSED
- 2.14 23/2009/1368 Variation of condition 4 of permission 23/2004/0749 to allow 12 month occupation of static caravans for holiday purposes REFUSED 17th March 2010 Appeal ALLOWED
- 2.15 23/2018/0268 Development of 0.244ha of land by the erection of three dwellings (outline application with all matters reserved). GRANTED 03/10/2018

3. RELEVANT POLICIES AND GUIDANCE:

3.1 Local Policy/Guidance

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC2 – Brownfield development priority

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy BSC9 – Local connections affordable housing within small groups or clusters

Policy BSC11 – Recreation and open space

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: [Affordable Housing](#)

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](#)

3.2 **Government Policy / Guidance**

Planning Policy Wales Edition 11 (February 2021)
Future Wales – The National Plan 2040
Development Control Manual November 2016
Technical Advice Notes
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 11 (February 2021) 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. What, if any, material changes to planning circumstances have occurred since the original grant of consent?

4.1.2. Principle

In relation to other standard considerations, Officers have not revisited the other material considerations which previously included the following (as the plans remain the same). These can be found in Committee Report 23/2018/0268:

- Visual amenity / landscape
- Residential amenity
- Ecology
- Drainage (including flooding)
- Highways (including access and parking)
- Affordable Housing
- Open Space
- Previously developed land
- Sustainability considerations

4.2. In relation to the main planning considerations for this application:

4.2.1. What, if any, material changes to planning circumstances have occurred since the original grant of consent

Outline planning permission was granted for the development of the land in October 2018. Conditions were imposed on this consent which required the submission of reserved matters within the standard period of 3 years from the date of the permission, and the commencement no later than 2 years after that date.

The intention is to keep the permission alive for a further 2 years to allow for the possibility of the development to take place, and to commence that development.

The main issue to be addressed is whether there have been any material changes in policy or circumstances since the grant of the 2018 outline consent to justify taking a different view on the acceptability of the residential development of the site, and hence whether it is reasonable to permit an extension of the time period for submission of the reserved matters details and the commencement of the development.

The planning policies relating to residential development in the County remain the same as were in place when the outline consent was granted in 2018. The site remains in the open countryside in the Denbighshire Local Development Plan. In addition, the proposal is still for two market dwellings and one affordable dwelling so remains in direct conflict with Planning Policy BSC9 which states that;

'In open countryside, local connections affordable housing development of one or two units will be permitted within small groups or clusters, provided that the proposal meets all the following criteria:

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.'

Whilst the Local Development Plan is being reviewed, there are no definitive amendments to this policy in place or nearing adoption.

Although Officers do appreciate the widely felt impacts of the Covid 19 pandemic, decisions do still have to be made in accordance with the Local Development Plan. If they were not, then precedents for all types of development in the open countryside could be set.

The applicant made reference in the Supporting Planning Statement to application 18/2019/1034 relating to the development of land adjacent to Cwm Tawel, Llandyrnog. The applicant notes that this permission has been varied to allow additional time to implement the consent, in the same way that is sought in this application. However, Officers would advise that this related to a previous permission on a site located entirely within the development boundary of Llandyrnog. The proposal was therefore in accordance with the LDP Policy BSC1, and the assessment on that application therefore concluded the same as the original consent that it was acceptable in principle.

The applicant also makes reference to other legislation relating to S73 applications and that the application shouldn't be re-assessed other than the conditions referred to. 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'*.

In noting that there has been no change to policies within the adopted Local Development Plan, and the requirement to determine planning applications in accordance with the development plan, it follows that there should be a review of the principle of development at this site.

4.2.2 Principle

The main Local Development Plan Policy relevant to the principle of residential development in the County is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages, and it states developers will be expected to provide a range of house sizes, types and tenure.

In relation to residential development outside settlements with defined development boundaries, there are 'exceptions' policies setting out circumstances where affordable housing may be acceptable. These relate to Local Connections Affordable Housing in hamlets (BSC6); Rural Exception sites (BSC8); and Local Connections Affordable Housing within small groups or clusters (BSC9). BSC 6 and 8 are not relevant to the circumstances at Llwyn Afon, as the collection of dwellings is not recognised as a hamlet in the Development Plan, and the site is not immediately adjoining a development boundary. The applicants are not suggesting these are applicable. The policy against which the applicant is suggesting the proposal should be assessed is BSC9.

Section 3 of Planning Policy Wales deals with Strategic and Spatial Choices and deals with development in rural areas. Paragraphs 3.39 - 3.40 and 3.60 are of particular relevance to proposals for new dwellings outside designated settlements: *'3.39 For most rural areas the opportunities for reducing car use and increasing the use of walking, cycling and public transport are more limited than in urban areas. In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole.*

3.40 Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities and be identified as the preferred locations for most new development including housing and employment provision. The approach should be supported by the service delivery plans of local service providers.

3.60 Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, 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 be of a scale and design that respects the character of the surrounding area.'

Future Wales (2021) further supports sustainable development objectives and the stance of not developing where there is limited access to services.

Policy BSC 9 allows for a maximum of 2 local connections affordable dwellings; 3 dwellings is in excess of this maximum; there is no policy provision for open market housing in this location ; the applicant has provided no evidence of local affordable housing need and it is not therefore possible to assess whether the proposal meets this policy requirement. It is concluded the proposal does not meet the relevant policy requirements in the adopted LDP and is not supported.

In relation to the Development Plan, the wording of BSC9, and the contents of Planning Policy Wales, Officers' comments in relation to the principle of the development are:

- o The site is located in open countryside, being some 1.5km from the nearest part of the development boundaries of Denbigh and Llanrhaeadr village. It is not within any Hamlet area of search in the Local Development Plan.

- o The premise of BSC9 emphasises the Development Plan and PPW approach to residential development in open countryside, which is that this should be strictly controlled and will only be acceptable as an 'exception' where it meets a local need for affordable housing. The submission does not argue a case for three affordable dwellings. As the proposal is for two open market dwellings and one affordable home, it is in fundamental conflict with the main requirement of the policy, as two of the dwellings are not intended as local connections affordable housing. There is no planning policy provision for open market dwellings in open countryside.

- o BSC9 provides only for local connections affordable housing developments of one or two units within small groups or clusters. The proposal is in conflict with this element of the policy as it is for three dwellings, as noted, two of which would be open market units.
- o There is no definition of 'small groups or clusters' or 'infilling of a small gap between buildings within a continuously developed frontage' (test i) of BSC9), either in the Development Plan, Supplementary Planning Guidance on Affordable Housing, or Planning Policy Wales. The Planning Inspector dealing with the 2008 appeal against refusal of planning permission for 3 dwellings on the site noted that the proposal had some of the characteristics of infill development, but having regard to the Unitary Plan and Supplementary Guidance which permitted infill opportunities only within cohesive groups of at least 6 dwellings, it was concluded the appeal site formed part of a 'dispersed, loose assembly of dwellings, which did not have the essential group cohesiveness required'. It remains a matter of opinion whether there is a continuously developed frontage here as there are only three dwellings spread over a road frontage of some 160m.
- o In respect of test ii) of BSC9, it is not considered that the proposal would result in ribbon development or the perpetuation of ribbon development, as the site would not extend development out beyond the three existing dwellings along the spur road off the A525.
- o In respect of test iii) of BSC9, the application is in outline form, so it is only possible to make basic comment on whether the development would be of a comparable scale and size, and would be sited so as to respect adjacent properties and the locality. The illustrative plans submitted suggest that the nature of development on the site would appear more cramped than is characteristic of existing development in the locality. The three existing dwellings along the old Ruthin Road are all bungalows set in relatively generous plots, and are well spaced out from one another. The approximate distances between the dwellings are 30 metres between Minafon and Llwyn Afon, and 70 metres between Llwyn Afon and The Oaks. The size of the footprints of the dwellings on the illustrative plan suggests these would be 2 storey units, and to fit the width of the site, would be approximately 7 metres apart.
- o In respect of test iv) of BSC9, the applicant has confirmed willingness to enter into a S106 agreement with the Council to secure what the submission refers to as the affordable home for local needs. The proposal is however in conflict with test iv) as the two open market dwellings would not be subject to the arrangements necessary to retain them in perpetuity as affordable dwellings.

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 application proposes the amendment of conditions 2 and 3 to allow a further 2 years for the submission of reserved matters for the erection of two open market dwellings and one

affordable dwelling on land in the open countryside between Denbigh and Llanrhaeadr village.

- 5.2. Development Plan policies only make provision for new housing development outside settlements in exceptional circumstances, including for agricultural / forestry purposes, and where such development is for affordable dwellings for local need. This reflects the approach in Planning Policy Wales 11 and Future Wales that both restrict new development in open countryside and direct development to the most sustainable locations.
- 5.3. The main planning policy applicable to the proposal is BSC9 of the Development Plan. This allows local connections affordable housing development of one or two units within small groups or clusters, in the open countryside, subject to four tests.
- 5.4. The applicant's arguments are set out in detail in the report. Officers conclusions are that the proposals are in clear conflict with key elements of Policy BSC9 as they involve the development of three dwellings, two of the three dwellings are proposed as open market units, and the dwellings are unlikely to be of a comparable scale and size to adjacent properties. The sustainability credentials of a development in this location, the arguments on housing supply and that the site constitutes 'previously developed land' are not considered compelling and worthy of affording significant weight to set against the fundamental policy conflicts.
- 5.5. Officers do appreciate the wide impacts of the Covid 19 pandemic, however, decisions do still have to be made in accordance with the Local Development Plan. If they were not, then precedents for all types of development in the open countryside could be set.
- 5.6. There have not been any material changes to planning policy or circumstances since the original grant of consent. The original consent was approved against Officer recommendation at Planning Committee (recommended for refusal due to its conflict with Local Development Plan Policy BSC9). Therefore, it is not considered that there is a justification to permit an additional period of time to submit reserved matters details and to commence the development.
- 5.7. Officers have given weight to the fact that the application was approved at Planning Committee however, 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'.
- 5.8. It is not considered that the previous committee decision to grant consent outweighs the Local Development Plan Policy BSC9 and therefore is recommended for refusal.

RECOMMENDATION: REFUSE- for the following reason:-

1. The application site is in an open countryside location outside any settlement identified in the Denbighshire Local Development Plan, where new housing development is only considered appropriate if it can be justified for an essential worker in connection with a rural enterprise, or in particular circumstances as an exception to policy where it is for local connections affordable housing and meets specific policy criteria in the Denbighshire Local Development Plan. In the opinion of the Local Planning Authority, the proposal is in clear conflict with the premise and key tests of Policy BSC9 of the Development Plan, in that it involves the development of more than one or two dwellings, two of the three dwellings are proposed as open market units, and the dwellings are unlikely to be of a comparable scale and size to adjacent properties, all conflicts which are not outweighed by other material considerations. In these circumstances, the erection of three dwellings would represent an unacceptable sporadic development in open countryside, contrary to basic planning policy and guidance.