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Ein Cyf/Our ref: qA1470173  
Eich Cyf/Your ref: 47/2020/0593  
Dyddiad/Date: 24 September 2021

Dear Mr Jones,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 CALL-IN REQUEST.  
PROVISION OF HIGH QUALITY HOLIDAY LODGE PARK, COMPRISING 44 NO.  
LODGES/PODS (MIX OF 1,2,3 & 4 BEDS), 24 BED BUNKHOUSE, LEISURE COMPLEX  
WITH RESTAURANT, CONVERSION OF EXISTING SPORTS/SOCIAL CLUB TO  
PROVIDE RECEPTION/CAFE/SHOP & CYCLE HIRE OFFICE, ALTERATIONS TO  
EXISTING VEHICULAR ACCESS & PROVISION OF PACKAGE TREATMENT PLANTS  
(X2), TOGETHER WITH ASSOCIATED CAR PARKING AND COMPREHENSIVE SITE  
LANDSCAPING. APPLICATION REF 47/2020/0593/PF.**

### Issue

1. The Welsh Ministers have been asked to call in the above application for their own determination. I am authorised by the Minister for Climate Change to consider whether the application should be called in for determination by the Welsh Ministers. As part of this determination the provisions of the Well-being of Future Generations Act (“WFG Act”) 2015 have been taken into account.

### Policy

2. The Welsh Government’s policy on calling in planning applications is set out in Planning Policy Wales Edition 11, February 2021 (“PPW”). The Welsh Government considers Local Planning Authorities (“LPAs”), as elected bodies, should be left to

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

make decisions about development proposals wherever possible. The Welsh Ministers do not, in practice, call in many planning applications and will only do so where the proposal raises issues of more than local importance. The consideration of a request to call in an application is not about the acceptability of the development and whether planning permission should be granted; it is concerned with who should make the decision.

### Application

3. The application subject to the call-in request is for the construction of a holiday park consisting of 44 chalets of 2, 3 and 4 bedroom size, as well as a clubhouse and restaurant, office, parking and access on the site of a former rugby club in rural Denbighshire.
4. The request for the application to be called in identified the following issues:
  - The application has not been determined in accordance with the adopted Local Development Plan (“LDP”); and
  - The proposal could have wider effects beyond the immediate locality because of its scale and impact on the countryside.

### Consideration

5. As part of the consideration of this call-in request the Welsh Ministers must consider whether the LPA has identified the national planning policies, legislation and directives relevant to the planning issues arising from the application. The Welsh Ministers must also consider whether the LPA has assessed those issues in a reasonably robust way, using up-to-date methodology and knowledge. In coming to this decision I have taken account of your LPA’s officer’s report to Committee, relevant national and local policies and any other available relevant information.
6. The application site is located outside the settlement boundary and in open countryside, and is not allocated for development in the LPA’s adopted LDP. It lies 2.1 km south-east of the Rhuddlan urban fringe and 1.5km to the west of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (“AONB”). The site lies on grade 3a agricultural land, amongst cultivated fields.
7. The officer’s report refers to a number of relevant LDP policies, most notably PSE 4 “reuse and adaptation of existing buildings in the open countryside” and PSE 5 “rural economy”. Policy PSE 5 states that tourism development in rural locations will be supported subject to “detailed criteria, which include making a significant contribution to sustainable development and recognising the special status of the AONB”. Such developments must also be appropriate in scale and nature, and reuse appropriate existing buildings. Reuse of buildings is also required by PSE 4.
8. Several other policies are, however, described as having limited or no relevance. In particular policy PSE 11 “major new tourism developments” is dismissed, as the site is not deemed to be regional or national in scale. The net effect of this is that the application has not been fully assessed as a major holiday park development in the open countryside in the officer’s report.
9. Whilst the officer’s report has due regard to some local policy and the advice of statutory consultees, it does not give due regard to national policy on development in the countryside. PPW para 3.60 states development in the countryside should be located within and adjoining settlements, to accommodate infrastructure and access

requirements. It also states development in the open countryside must be strictly controlled, and should be of a scale and design that respects the character of the surrounding area.

10. The officer's report also refers to paras 3.12, 3.19 and 4.1.34 of PPW, in relation to sustainable transport issues. It notes the remoteness of the site from means of sustainable transport, at 2.4km to the nearest bus stop and 5km to the nearest train station. It also states that the rural nature of local roads would deter walking and cycling to the site, and considers visitors would be largely dependent upon private car for travel to the site.
11. The officer's report notes that as a result, the proposal raises some conflict with paras 3.12, 3.19 and 4.1.34 of PPW. The officer's report states that Highways Department colleagues consider the proposal to be adequately served by sustainable means of transport, in contradiction of the advice on remoteness of bus and train access and the need to use non-paved roads. This conclusion is neither evidenced nor substantiated. The officer's report also refers to willingness by the developer to enter into an agreement to contribute towards sustainable modes of transport, although the nature of this agreement is not defined.
12. PPW para 3.12 states that good design is about minimising dependency on the car, and promoting sustainable travel choices. Para 3.19 states the need to promote healthier places, by promoting healthier travel choices. Para 4.1.34 states LPAs must ensure development proposals prioritise access by walking and cycling, in order to meet their duties under the Active Travel Act. The application is not in accordance with any of these policies, and whilst the report describes "some conflict", it does not justify or evidence the acceptability of this conflict in its recommendation to Members to approve, contrary to PPW.
13. The development site is identified as being Grade 3a, best and most versatile ("BMV") agricultural land. The officer's report notes "there is no evidence of a sequential assessment being carried out to consider brownfield sites or lower grade land in a wider search area" and that as a consequence, "there is some conflict" with PPW paras 3.58 and 3.59. The report considers, however, that as the development would result in a loss of only 0.65% of BMV land in a 5 mile radius, and the site is unlikely to be brought into agricultural use in the near future, the impact is low.
14. Para 3.59 of PPW states that BMV land should only be developed if there is an overriding need for development, and if previously developed or lower grade land is either unavailable or has another value which outweighs agricultural considerations.
15. It is accepted the application does not raise any major controversy. However, it is considered the proposed development is a departure from the adopted LDP and is also contrary to national and local policies in respect of sustainability and placemaking, and protection of BMV land. Due to its conflict with national planning policies, it is of more than local importance. Consequently, it should be called in for determination by the Welsh Ministers.

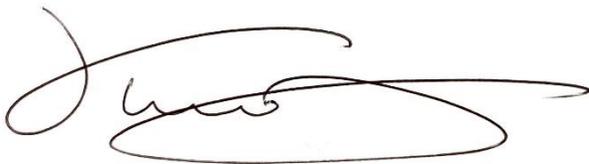
## Decision

16. The Minister for Climate Change hereby directs the planning application referred to in the heading to this letter, ref no. 47/2020/0593/PF shall be determined by the Welsh Ministers. The original planning application, together with any plans, sections and maps, and any other documents accompanying it, including related certificates and other correspondence, which have not already been supplied, should be sent to

Planning and Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.

17. Section 2 of the Planning (Wales) Act 2015 (“the 2015 Act”) requires the Welsh Ministers, in exercise of their functions under Part 3 of the Town and Country Planning Act 1990, to ensure the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales. As part of this, the Welsh Ministers have taken into account the ways of working set out at section 5(2) of the WFG Act, which is supported by Part 4 of “Shared Purpose Shared Future : Core Guidance 1: Statutory Guidance on the WFG Act” (the Core Guidance).
18. The decision takes into account of the ways of working in ensuring a detailed examination of the issues surrounding the acceptability of the development will be undertaken. Calling in the application will ensure the long term impacts of the proposal are considered through examination of the application by an independent and impartial professional Inspector by way of written representations and/or oral procedure in accordance with relevant statutory procedural regulations.
19. It is considered this decision takes all reasonable steps to meet Welsh Government objectives in relation to sustainable development, as defined by Section 3(2)(b) of the WFG Act in contributing towards the wellbeing objective of “make our cities, towns and villages even better places in which to live and work”
20. You will be notified of the process to be adopted for the consideration of the application as soon as possible. Your attention is drawn to the provisions of Article 13 of the Planning (Development Management Procedure) (Wales) Order 2012 (“the DMWPO”) which requires your LPA to serve notice of the terms of and the reasons for the Section 77 Direction on the applicant.
21. The Direction issued by the Welsh Ministers under Article 18 of the DMPWO on 13 April 2021 remains in force.
22. Progress of our consideration of this and all other called-in cases and call-in requests can be found at <https://gov.wales/planning-decisions-being-considered-welsh-ministers-called>. The progress chart is updated weekly.
23. The Ministers’ decision to call in application 47/2020/0593/PF does not imply or infer any view from the Welsh Ministers about the merits of the application.
24. A copy of this letter has been sent to Kenyon Planning, agent for the applicants.

Yours sincerely



**Lewis Thomas**  
**Pennaeth Penderfyniadau Cynllunio / Head of Planning Decisions**  
**Y Gyfarwyddiaeth Cynllunio / Planning Directorate**

Arwyddwyd o dan awdurdod Y Gweinidog Newid Hinsawdd; un o Weiniidogion Cymru.  
Signed under authority of the Minister for Climate Change; one of the Welsh Ministers.