



CYNGOR  
**Sir Ddinbych**  
**Denbighshire**  
 COUNTY COUNCIL

Graham Boase  
 Head of Planning & Public Protection  
 Denbighshire County Council  
 Caledfryn  
 Smithfield Road  
 Denbigh  
 Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

47/2012/0333  
 Bryn Tirion Farm  
 Rhualt



Application Site



Date 16/5/2012

Scale 1/2500

Centre = 308603 E 375045 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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RECEIVED

47 / 2012 / 0333 / P C

Streetwise

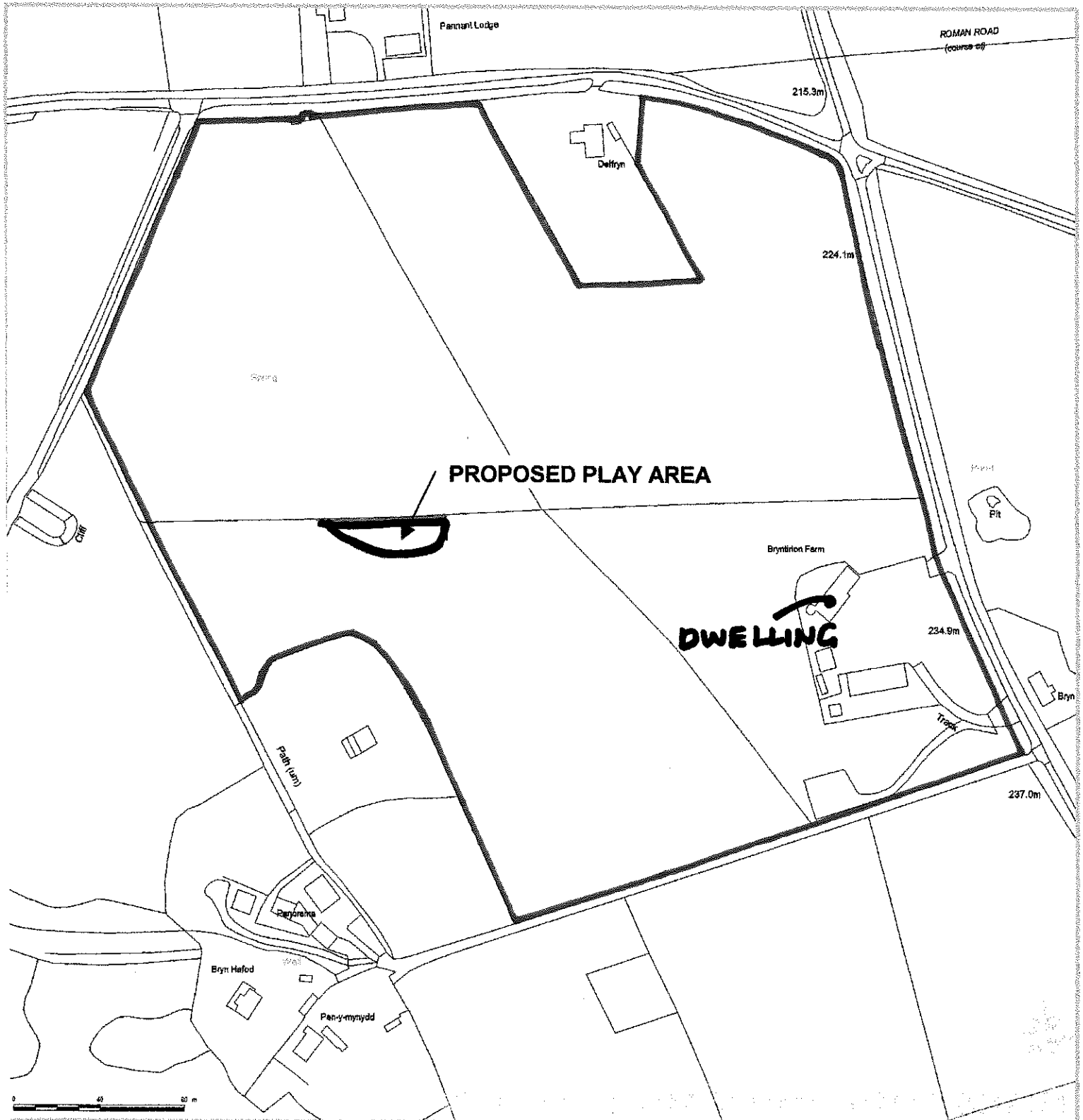
13 MAR 2012

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LOCATION



Description:  
PROPOSED CHANGE OF USE OF LAND TO PROVIDE ANCILLARY  
PLAY AREA TO MAIN DWELLING AND THE ERECTION  
OF A TREE HOUSE.

Scale:  
1:2500

Location:  
BRYNTIRION FARM, RHUALLT, ST ASAPH.

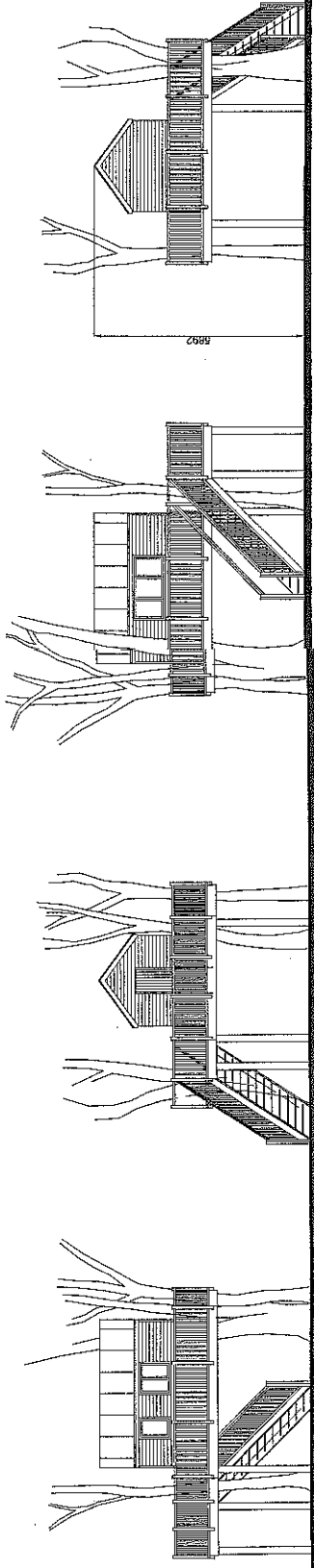
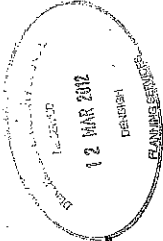
Date:  
18 February 2012

LOCATION PLAN

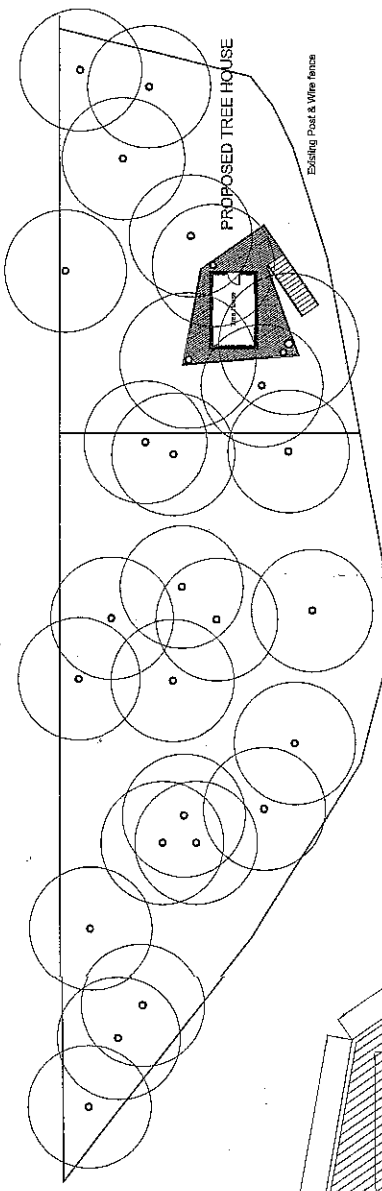
Drawing No. W.1208 / 2

**EXTERNAL MATERIALS:**

- WALLS:**  
Horizontal linear slip-lap cladding - Stained Mahogany.
- ROOF:**  
Green mineral felt.
- WINDOWS:**  
UPVC - Colour: Mahogany.
- DOOR:**  
Stained - Stained Mahogany.
- DECKING:**  
Tanalised timber - Stained Mahogany.



REAR ELEVATION ( North )      SIDE ELEVATION ( East )      FRONT ELEVATION ( South )      SIDE ELEVATION ( West )



PROPOSED TREE HOUSE

Existing Post & Wire fence



**PLANSCAPE**  
ARCHITECTURAL DESIGN CONSULTANTS  
15 BRYNTIFFON FARM, RHUALLT, ST ASAPH, Gwynedd, LL23 7EJ, NORTH WALES

Mr Mike Walsh

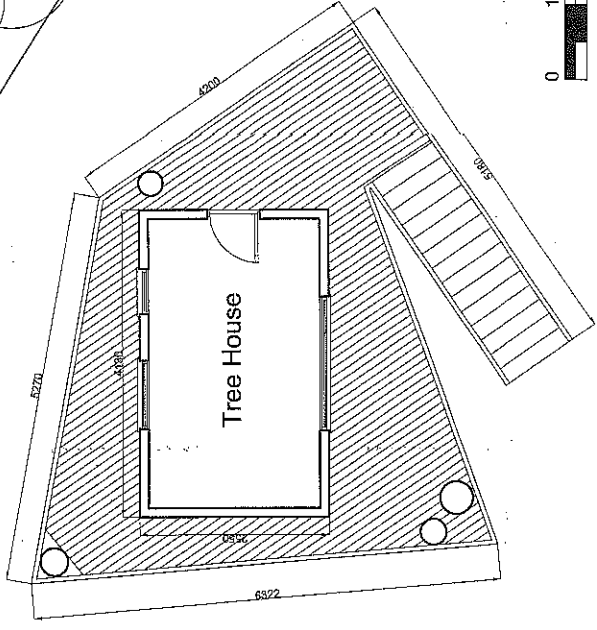
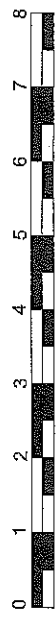
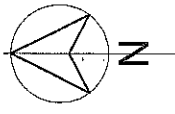
Proposed Change of Use of Land to Provide Ancillary Play Area to Main Dwelling and the Erection of a Tree House.

Bryntiffon Farm, Rhualt, St Asaph.

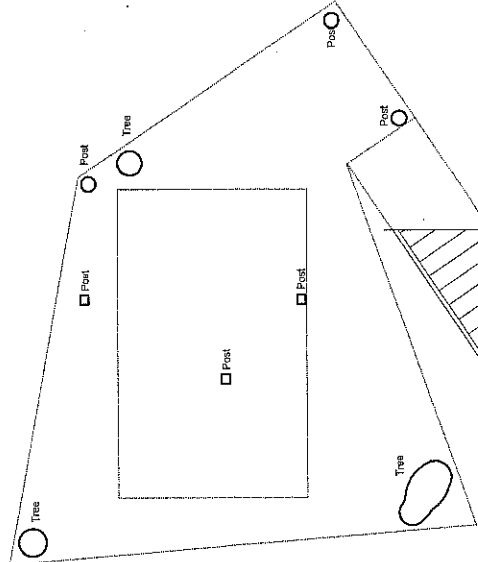
Scale: 1:50  
Date: 15 Feb. 2012

W.1208 / 1

**BLOCK PLAN**      Scale: 1:200



FIRST FLOOR PLAN



GROUND FLOOR PLAN

DXR

**ITEM NO:** 6  
**WARD NO:** Tremeirchion  
**APPLICATION NO:** 47/2012/0333/ PC  
**PROPOSAL:** Continuation of use of land as ancillary play area to main dwelling and retention of tree house (Retrospective Application)  
**LOCATION:** Field No. 6105, Bryntirion Farm Rhualt St. Asaph  
**APPLICANT:** Mr M Walsh  
**CONSTRAINTS:** AONB  
**PUBLICITY UNDERTAKEN:** Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

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

- Retrospective application recommended for refusal, and enforcement action recommended

**CONSULTATION RESPONSES:**

TREMEICHION, CWM AND WAEN COMMUNITY COUNCIL  
"Objection

The application does not fall within the curtilage of the residential property"

**AONB JOINT ADVISORY COMMITTEE**

"The JAC deplores the retrospective nature of this proposal and regrets that a number of applications on this site have been submitted retrospectively in recent years. The stand of trees in which this substantial structure is located is a prominent and attractive feature in the surrounding landscape. The site is in the open countryside unrelated to an existing residential curtilage and the tree house introduces an incongruous and inappropriate feature into the rural scene and, in this context, the JAC objects to the application."

**RESPONSE TO PUBLICITY:**

Letters of representation received from:  
K.M. & B.T.M. Groves, Pennant Uchaf, Rhualt

Summary of planning based representations:  
Principle - not related to existing residential dwelling  
Visual and landscape impact - impact on AONB, Siting away from existing buildings, height of structure  
Impact on residential amenity - noise disturbance and loss of privacy

**EXPIRY DATE OF APPLICATION: 14/05/2011**

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 The proposal is for the continuation of the use of an area of land for ancillary residential purposes and the retention of an existing tree house. The area of land is approximately 0.1ha, and is comprised of a stand of trees.
- 1.1.2 The tree house measures 4.1m x 2.5m in plan and is on a substantial wooden platform of irregular shape some 3m above ground level. The maximum height of the tree house is 5.9m measured from ground level. Materials include stained mahogany cladding and green mineral felt roofing. The detailing is shown on the plans at the front of the report

#### 1.2 Description of site and surroundings

- 1.2.1 The tree house is within a stand of trees in an area of agricultural grazing land, associated with the property known as Bryntirion. It is approximately 170m away from the main dwelling. The distance to the nearest residential dwelling is approximately 150m.
- 1.2.2 The site is on an elevated area of land within an agricultural holding. A copse of trees is located within the site.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in open countryside outside of any development boundary as defined in the Unitary Development Plan.
- 1.3.2 The site is located within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

#### 1.4 Relevant planning history

- 1.4.1 The section records reveal various applications for the residential development of a former farm complex and applications for agricultural buildings relating to existing agricultural activity.

#### 1.5 Developments/changes since the original submission

- 1.5.1 None

#### 1.6 Other relevant background information

- 1.6.1 The application is presented to Committee as the application is retrospective and permission to take enforcement action is sought.

### **2. DETAILS OF PLANNING HISTORY:**

- 2.1 47/2001/0877/PF Demolition of dwellings and erection of new dwelling and detached garage. Delegated decision. GRANTED 8th November, 2001
- 2.2 47/2004/1013/PC Retention of triple garage, attached kennel block, entrance gates, pillars and CCTV columns. Continuation of use of land as extension to residential curtilage for extended drive and additional vehicular access (Retrospective application) Committee decision. GRANTED 31st August, 2005
- 2.3 47/2005/0431/PF Demolition of building and erection of swimming pool enclosure. Delegated decision. GRANTED 3rd March, 2005
- 2.4 47/2008/813/PF Erection of detached equipment store. Delegated decision. Refused 13<sup>th</sup> May 2010. Appeal submitted against decision. Appeal dismissed. Inspector considered development would impact adversely on AONB
- 2.5 47/2010/332/PF Single storey and two storey extension to the rear. Committee decision. GRANTED 13<sup>th</sup> May 2010
- 2.6 47/2011/0768/PF Erection of agricultural building (lambing shed) GRANTED under delegated powers 19/10/2011

### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

#### 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Policy STRAT 6 - Location

Policy GEN 3 - Development outside development boundaries

Policy GEN 6 - Development control requirements

Policy ENV 2 - Development affecting the AONB

Policy HSG 16 - Extensions to domestic gardens

#### 3.2 GOVERNMENT GUIDANCE

Planning Policy Wales (February 2012)

### 4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

4.1.1 Principle

4.1.2 Visual and landscape impact

4.1.3 Residential amenity impact

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

Policy STRAT 6 states that development will only be permitted outside of development boundaries in exceptional circumstances. Policy GEN 3 allows for certain types of development outside development boundaries. Policy HSG 16 permits limited extensions to domestic gardens.

The proposal includes the change of use of an area of wooded land to ancillary residential land. Concerns have been raised over the introduction of a residential structure away from the main dwelling in an open countryside location. The wooded area is outside of any development boundaries and is surrounded by agricultural land. The application states that the tree house is to be ancillary to the dwelling known as Bryntirion, which is approximately 170m away.

It is considered that the change of an isolated area of land to residential use would not be in principle in relation to Policy GEN 3. It is also considered that the proposal is not an acceptable extension to residential curtilage in relation to Policy HSG16 due to the physical detachment from the existing residential curtilage. For the above reasons it is considered that the change of use of the land is unacceptable in principle and does not fall within the 'exceptions' for rural development in Policy STRAT 6 and GEN 3.

#### 4.2.2 Visual and landscape impact

The general requirement to assess landscape and visual impact are set out in policy GEN 6. Policy ENV 2 states that development affecting the Area of Outstanding Natural Beauty will be assessed against the primary planning objective to conserve and enhance the natural beauty of the area and small scale development will only be permitted where it would not detract from the character and appearance of the Area of Outstanding Natural Beauty. This reflects national policy which states that great weight should be afforded to conserving and enhancing designated landscapes.

Concerns over the landscape/visual impact and the impact on the Area of Outstanding Natural Beauty have been raised. The AONB JAC have stated "The stand of trees in which this substantial structure is located is a prominent and attractive feature in the surrounding landscape. The site is in the open

countryside unrelated to an existing residential curtilage and the tree house introduces an incongruous and inappropriate feature into the rural scene”

In Officers’ opinion, the elevated position, scale and siting of the tree house, the introduction of an isolated formalised residential space within former grazing land, and the use of land for activity associated with residential use would detract from the character and appearance of the Area of Outstanding Natural Beauty. It is considered that the introduction of the structure and the residential use impact adversely on the open nature of the site. The proposals are therefore considered unacceptable in relation to Policy ENV 2 and criteria of Policy GEN 6.

#### 4.2.3 Residential Amenity Impact

Policy GEN 6 v) sets a requirement to ensure new development does not unacceptably affect the amenities of local residents, by virtue of noise, activity, fumes, etc.

Concern has been raised over the impact of increased disturbance from use of the land and tree house. The nearest unrelated residential dwelling is approximately 150m away.

The concerns over disturbance caused by increased activity are noted, however it is considered that the separation distances from the nearest residential dwelling means that the development is unlikely to unacceptably impact on residential amenity.

### **5. SUMMARY AND CONCLUSIONS:**

- 5.1 The use of an isolated area of land for purposes incidental to a dwelling is considered unacceptable in principle, and it is considered the tree house structure and the use of land have an unacceptable impact on the character and appearance of the Area of Outstanding Natural Beauty. The development is therefore recommended for refusal and permission is sought to take enforcement action to require the removal of the structure and to return the land to agricultural use.

#### **RECOMMENDATION - REFUSE: - for the following reason:-**

1. It is the opinion of the Local Planning Authority that the construction of the tree house has created an isolated and sporadic form of development which has an adverse impact on the open character the area, which is in open countryside within a designated Area of Outstanding Natural Beauty. It is considered that the development detracts from the character and appearance of the Area of Outstanding Natural Beauty and therefore fails to comply with the requirements of Policy ENV 2 and Policy GEN 6 of the Denbighshire Unitary Development Plan.
2. It is the opinion of the Local Planning Authority that the use of land in association with a dwelling over 170m away does not meet the any of the 'exception' criteria outlined in Policy GEN 3 of the Denbighshire Unitary Development Plan, and due to the physical detachment and separation from the existing residential curtilage can not reasonably be considered an extension to a domestic garden under Policy HSG 16. The development is therefore considered unacceptable in principle and is contrary to Policy STRAT 6 and Policy GEN 3 of the Denbighshire Unitary Development Plan.

#### **NOTES TO APPLICANT:**

None