

**ITEM NO:** 4  
**WARD NO:** Llandyrnog  
**APPLICATION NO:** 24/2012/0382/ PF  
**PROPOSAL:** Relocation of 2 No. existing field shelters, erection of new implement/food store (Partly in retrospect)  
**LOCATION:** OS Parcel No. 8912 near Glanynys Llanynys Denbigh  
**APPLICANT:** Mr. Stephen Miller  
**CONSTRAINTS:** C2 Flood Zone  
Main River  
**PUBLICITY UNDERTAKEN:** Site Notice - No  
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:**

LLANYNYS COMMUNITY COUNCIL  
'No objection'

ENVIRONMENT AGENCY  
No objection

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES  
HEAD OF HIGHWAYS AND INFRASTRUCTURE  
No objection

BIODIVERSITY OFFICER  
No objection

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:  
Mr. & Mrs. H. J. Varney, Glanynys, Llanynys  
Mr. A & Mrs B Isaac, Ty Newydd, Llanynys  
Ms. J. Beesley, Glyn Cottage, Llanynys

Summary of planning based representations:  
Principle - Use not agricultural  
Impact on landscape - unacceptable impact on open views  
Impact on ecology - impact on watercourses and nearby pond/Impact on flood risk

**EXPIRY DATE OF APPLICATION: 21/05/2012**

**REASONS FOR DELAY IN DECISION (where applicable):**

- re-consultations / further publicity necessary on amended plans and / or additional information

## **PLANNING ASSESSMENT:**

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

#### 1.1 Summary of proposals

- 1.1.1 The proposal is for the relocation of 2 no. field shelters and the erection of 1 new barn and associated works at land west of Glanynys, Llanynys. The application documents refer to the 3 acre site being used for the keeping of horses and sheep.
- 1.1.2 The associated works include the creation of an area of hardstanding and additional landscaping.
- 1.1.3 The proposal is partially in retrospect with the relocation of the field shelters having been undertaken. Some planting and the hardstanding has also been completed.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is an agricultural field located to the south of the village of Llanynys. The field measures approximately 1.2ha. The closest residential property is Glanynys which is approximately 120m away.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the Vale of Clwyd Historic Landscape and in the open countryside.
- 1.3.2 The site lies partially within the C2 and partially within the C3 flood zones as indicated in the Environment Agency's Flood maps.

#### 1.4 Relevant planning history

- 1.4.1 Complaints relating to unauthorised development have been investigated by the enforcement section and has resulted in the submission of this application.

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

- 1.5.1 The application has been amended to remove a proposed 'wedding carriage' storage area, i.e. a non-agricultural use. The proposed barn has been reduced from 3. bay to 2 bays in order to reflect this amendment.

#### 1.6 Other relevant background information

- 1.6.1 The application is reported to Planning Committee following the receipt of a formal request from the previous ward member prior to the May 2012 Council elections.

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

- 2.1 None

### **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 GEN 3 - Development Outside Development Boundaries
- Policy GEN 6 - Development Control Requirements
- Policy EMP 13 - Agricultural Development
- Policy CON 12 - Historic Landscapes, parks and gardens
- Policy ENP 6 - Flooding

#### **3.2 GOVERNMENT GUIDANCE**

- Planning Policy Wales (February 2011)

#### **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 Impact on ecology
- 4.1.4 Flood risk

4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

Policy GEN 3 allows for certain types of development outside development boundaries.

The existing use of the land is understood to be agricultural. Whilst concerns have been raised that the proposed use of the site falls outside agriculture, the application as submitted does not propose any change of use of land. The storage of a wedding carriage which was included within the original submission, would have introduced a B8 storage and distribution use, but following the removal of this element from the application, it is considered that the use as outlined for sheep and horses is agricultural, and in the absence of any change of use application, the application has to be assessed on this basis.

Criterion vi) of Policy GEN 3 highlights agricultural development as acceptable outside of development boundaries providing there is no unacceptable impact on the social, natural, and built environment. EMP 13 relates specifically to agricultural development, and the aim of this policy is also to ensure agricultural development has no unacceptable impact on the environment. Proposals must comply with four tests relating to; i) the need for the development, ii) the use of alternative existing buildings, iii) the impact of development on the character and appearance of the countryside and iv) the siting relating well to the existing complex.

The proposed and existing buildings are stated as being required for the storage of tractors, agricultural machinery, and the storage of feed. This is considered to be adequate justification for development in relation to criteria i) of Policy EMP 13. In relation to the availability of alternative redundant buildings, no other suitable buildings exist on the site that could meet the need for additional storage. Therefore it is considered that the proposals comply with the requirements of criteria ii) of Policy EMP 13.

##### 4.2.2 Visual and landscape impact

The site lies within the Vale of Clwyd Historic Landscape. Policy CON 12 requires that development does not unacceptably harm the character of a historic landscape. The general requirement to assess landscape and visual impact of agricultural development are set out in criteria iii) of Policy EMP 13. Criteria iv) of Policy EMP 13 requires that siting is well related to an existing complex.

Local residents have expressed concerns over the landscape/visual impact of the proposed and existing development. The application proposes the repositioning of 2 field shelters to the south western corner of the field and the new barn to be located towards the south eastern corner of the site. The new barn and repositioned field shelters would be separated by approximately 40m. The site has extensive screening from mature

hedgerows and trees to the east and west boundaries. The southern boundary is screened by lower and more sporadic planting.

Officers' consider that the siting, design and materials of the development would be acceptable subject to satisfactory additional landscaping. In this respect, it is considered that additional planting to the southern boundary would significantly reduce the visual impact of the development. A condition can be attached in order to secure the required additional planting. For these reasons the development is not considered to have an unacceptable impact in relation to landscape and visual amenity and complies with the requirements of Policy CON 12 and EMP 13.

#### 4.2.3 Impact on ecology

Unitary Plan policies, Welsh Government guidance and current legislation oblige due consideration of impact on ecological interests, and in particular protected species (ENV 1, ENV 6 and GEN 6). This approach is supported by SPG 18 – Nature Conservation and Species Protection.

Concerns have been raised over the potential impact on the Llanynys Pond which is located to the east of the site. The Biodiversity Officer has advised that no direct impact on the pond would be anticipated. No objections have been raised by the Biodiversity Officer or CCW.

Due to the scale and location of the proposals it is considered that the proposals would not have an unacceptable impact in relation to ecological interests.

#### 4.2.4 Flood risk

Policy ENP 6 requires that development does not result in an unacceptable risk from flooding.

The Environment Agency have raised no objection subject to the applicant being advised to install flood proofing measures.

Provided that the applicant is advised to install flood proofing measures it is considered the proposals are acceptable in relation to flood risk.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 The development is considered to comply with the relevant policy tests and is therefore recommended for grant.

### **RECOMMENDATION: GRANT** - subject to the following conditions:-

1. A full scheme of landscaping to include supplementary planting to the southern boundary shall be submitted to the Local Planning Authority within a period of 2 months, of the date of this permission, and all planting included within the approved landscaping details shall be undertaken in the first planting season following the date of this permission. Any trees or plants which within a period of 5 years from the date of the permission die, are removed or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species, unless the local planning authority gives written approval to any variation.

2. The site and buildings thereon shall remain in agricultural use at all times.

The reason(s) for the condition(s) is(are):-

1. In the interest of visual and landscape amenity.
2. In the interest of clarity and compliance with rural restraint policies.

**NOTES TO APPLICANT:**

You are advised that in view of the site's location within a Flood Zone, that flood proofing measures should be incorporated into the design of the buildings.