



Ein cyf/Our ref: qA1619152  
Mr Gordon Kenyon,  
Kenyan Planning,  
1 Queensway,  
Didsbury,  
Manchester,  
SA47 0RG.

By E-mail: gordon@kenyonplanning.com

17 August 2023

Dear Mr Kenyon,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77.  
CALLED IN PLANNING APPLICATION FOR A HOLIDAY PARK WITH CLUB HOUSE  
AND LODGES AT THE FORMER RHYL RUGBY CLUB, WAEN ROAD, RHUDDLAN,  
RHYL.  
APPLICATION NO. 47/2020/0593/PF**

1. Consideration has been given to the report of the Inspector, regarding your client's planning application, Local Planning Authority reference: 47/2020/0593/PF.
2. On 24 September 2021, in accordance with Section 77 of the Town and Country Planning Act 1990 (the 1990 Act), the above planning application was called in for decision by the Welsh Ministers. Under the provisions of the Government of Wales Act 2006, the power to determine applications under Section 77 of the 1990 Act has been transferred to the Welsh Ministers, these functions have been exercised by me as Minister for Climate Change.
3. The Inspector recommends planning permission be refused. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

**Main Issues**

4. I agree with the Inspector's consideration that the main issues in this case are:
  - the principle of the location of the proposed development in the open countryside and its effect on the character and appearance of the countryside;

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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.

- Whether the proposed development would be in a sustainable location with regard to its proximity to settlements and access to local transport provision; and
- The proposed development on, and thus loss of, Best and Most Versatile (“BMV”) agricultural land. (IR 64)

#### Open Countryside

5. The Inspector notes that Planning Policy Wales (“PPW”) states 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. New building in the open countryside away from existing settlements must continue to be strictly controlled. (IR 66)
6. Local Development Plan (“LDP”) Policy RD 1 – Sustainable Development and Good Standard Design states that proposals for a development will be supported within development boundaries, subject to specified criteria. Whilst the policy is silent on the approach to be taken outside of development boundaries, the LDP strategy is explicit that all other areas outside those defined in the LDP are classified as open countryside where development will be strictly controlled in line with national policy. (IR 67)
7. The Inspector states that the application site is in the countryside and not adjacent to any development boundaries identified within the LDP. The site is therefore classified as being in the open countryside. (IR 65)
8. Apart from the clubhouse and hardstanding, the Inspector notes the existing site is mostly open, green and in character with its rural setting and surrounding fields. The proposed scheme would result in a significant amount of new development on a larger scale and would include a sizeable building, which would be visible from the lane. In addition, the new use would introduce a considerable amount of activity to the site throughout the year and during much of the day and evening. Therefore, the Inspector considers the proposal be contrary to PPW and the LDP. (IR 68)

#### *Character and appearance*

9. The Inspector notes the proposed development would generate much more activity, traffic movements and noise compared to the existing use. (IR 69-70)
10. The Inspector concludes that in relation to the scale and design, the proposed development is contrary to the national policy set out in PPW, which requires development to respect the character of the surrounding area. The number of new buildings erected as part of this development will result in the majority of the site being developed. The bunkhouse would be out of character for the surrounding area. On this matter the Inspector also considers the proposal is contrary to the LDP. (IR 71 - 76)
11. The Inspector does not consider the proposal would be harmful to either the AONB or its setting. However, this is dependent on the implementation through conditions of a sensitive and subdued lighting scheme for external areas and effective measures being taken to minimise light spillage from interiors. Subject to such conditions, the Inspector considers the proposal would comply with LDP Policy VOE 2 - Area of Outstanding Natural Beauty and Area of Outstanding Beauty. (IR 77)

### *Open countryside – other policy considerations*

12. The Inspector notes the applicant's case refers to LDP Policy PSE 5 – Rural Economy, a criteria-based policy which aims to support tourism development in order to sustain the rural economy.
13. The Inspector considers the proposal is contrary to LDP Policy PSE 5, as it would not make a significant contribution to sustainable development, is not appropriate in scale and nature to its location and is not supported by an appropriate business case. (IR 78-81)
14. The Inspector has assessed the proposal against LDP Policy PSE 14 - Outdoor Activity Tourism and considers the scheme does not comprise an outdoor activity facility and fails to accord with a number of criteria in the policy. The Inspector concludes the proposal would be contrary to Policy PSE 14. (IR 85)

### Sustainable location and transport

15. PPW states clearly that the planning system has a key role to play in reducing the need to travel, particularly by private car, and in supporting sustainable transport. This can be achieved by facilitating developments which are sited in the right location and easily accessed by sustainable modes of travel. (IR 86)
16. Rhyl is approximately 5 miles from the application site and the nearest settlement of Rhuddlan is just under two miles. The applicant's transport statement quotes several paragraphs from national policy and guidance on active travel and travel provision for non-motorised users. It states that walking is the predominant mode of travel for journeys under 2 miles, and that 2 miles is a distance that can be easily walked by the majority of people. However, the consideration in this case is whether the future holiday makers would be likely to make journeys in the local area on foot. (IR 87)
17. Measures to reduce car use once visitors have arrived are suggested in the transport statement. These do not include any infrastructure and are limited to creating itineraries for car-free days out, compiling material on walks and cycle routes from the site, enabling bike hire, and publicising the availability of supermarket deliveries. It is not clear how these suggested mitigation measures would be implemented or ensured; there is no travel plan included with the submission documents. In any event the Inspector does not consider that they would address the unsustainable location of the application site to any significant extent. (IR 90)
18. The officer's report of April 2021 states the applicant had confirmed they would be willing to make a reasonable and proportionate contribution towards sustainable modes of transport such as improvements to public transport, public rights of way, and promoting active travel. The Inspector states that for such measures to be taken into account they must be legal requirements supported by a finalised, signed unilateral obligation. No such obligation has been provided and therefore, these measures are not given any weight in the Inspector's recommendation. (IR 91)
19. The Inspector notes the applicant's tourism report recognises the site is not well placed in relation to public transport services and that it would be impractical to expect the majority of visitors to journey to the site other than by car. Users of the proposed development would be heavily, if not solely, reliant on the private car. The proposal would, therefore, be contrary to PPW and would not contribute to the overall objectives of reducing the need to travel, particularly by private car, and would not support sustainable transport. In failing to demonstrate that walking and cycling would be prioritised for all local travel, the proposal would be contrary to the sustainable transport hierarchy detailed in PPW and Future Wales ("FW"). (IR 92)

### BMV agricultural land

20. PPW states that BMV should be conserved as a finite resource for the future, adding that considerable weight should be given to protecting such land from development because of its special importance. BMV should only be developed if there is an overriding need for the development and either previously developed land or land in lower agricultural grades is unavailable. (IR 94)
21. The applicant's Agricultural Land Classification ("ALC") report found that 3.8 ha, 82.6%, of the application site is Grade 3a land and therefore of BMV quality. The report also notes that all agricultural land in the 5 square mile area surrounding the site is of BMV quality. The development of the application site as proposed would lead to a loss of only 0.65% of the BMV land in the wider area (IR 93). Whilst I note this is the case, the proposal would result in the development of a significant amount of BMV land within the application site itself.
22. TAN 6 Planning for Sustainable Rural Communities states that the quality of agricultural land should be considered when deciding planning applications. (IR 95)
23. Whilst the land is undeveloped and laid out with rugby pitches, its potential to be used as BMV land remains. The proposed development would permanently remove that potential and high quality agricultural land would be lost. (IR 96)
24. The Inspector notes that overriding need for the scheme has not been demonstrated and the applicant has not provided evidence to show that previously developed land or land in lower agricultural grades is unavailable. Therefore, the proposed development is contrary to paragraph 3.59 of PPW. (IR 97)

### Other considerations

25. The Inspector has seen no evidence to show that the continued existence of the rugby club would be threatened if permission is withheld. (IR 98)
26. The applicant states they intend to ensure on-site facilities, such as the gym and swimming pool, would be available for use by non-residents and the local community. The Inspector does not consider these considerations outweigh the considerable harm that would be generated by the proposal and they do not provide compelling reasons to allow the development. (IR 99)
27. The Inspector has no reason to disagree with the applicant's traffic assessment and does not consider the proposal would be detrimental to highway safety. (IR 100)

### Overall Conclusions

28. The Inspector notes the proposed development would introduce a large development and high levels of activity into the open countryside, contrary to planning policies. The Inspector considers the proposed development would harm the character and appearance of the surrounding rural area. (IR 101)
29. The Inspector does not consider the proposed development would comply with national and local planning policies, regarding tourism and the rural economy. (IR 102)

30. The rural location of the proposal, together with the lack of realistic, safe access to non-car modes of travel, would increase use of the private car contrary to the fundamental principles of national and local policy. It would not be in a sustainable location. Furthermore, there would be a permanent and unjustified loss of BMV land. (IR 103)
31. The Inspector has considered all the matters raised, including the benefits of the proposed development, but not found any sufficient to outweigh the significant harm that it would cause. (IR 104)
32. The Inspector recommends the application for planning permission is refused. (IR 105)

### **Formal Decision**

33. I agree with the Inspector's reasoning and conclusions. For the reasons set out in the Inspector's report, and in exercise of the power referred to in paragraph 2 of this decision letter, I hereby refuse planning permission for planning application 47/2020/0593/PF.

#### Well-being of Future Generations (Wales) Act 2015 ("WFG Act")

34. The Welsh Ministers must, in accordance with the WFG Act, carry out sustainable development. In reaching my decision on the application, I have taken into account the ways of working set out at section 5(2) of the WFG Act and 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the WFG Act'. My assessment against each of the ways of working is set out below.

#### Looking to the long-term

35. The decision takes account of the long-term need to create sustainable developments.

#### Taking an integrated approach

36. I have considered the impacts from the development proposal on the Welsh Government's well-being objectives, which incorporate the well-being goals set out in section 4 of the WFG Act. Where an objective is not set out, the effect of this decision is neutral.

#### Impact on well-being objectives

- Build a stronger, greener economy as we make maximum progress towards decarbonisation.
- Embed our response to the climate and nature emergency in everything we do.

#### Involving people/Collaborating with others

37. Within the framework of a statutory decision-making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

Prevention

38. The decision would prevent development being undertaken which would undermine the placemaking principles in PPW.
39. A copy of this letter has been sent to Denbighshire County Council.

Your sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

**Julie James AS/MS**  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change