



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

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Heading:

REFERENCE NO. 03/2012/0870/PF  
Dinbren Lodge,  
Dinbren, Llangollen

5



Application Site

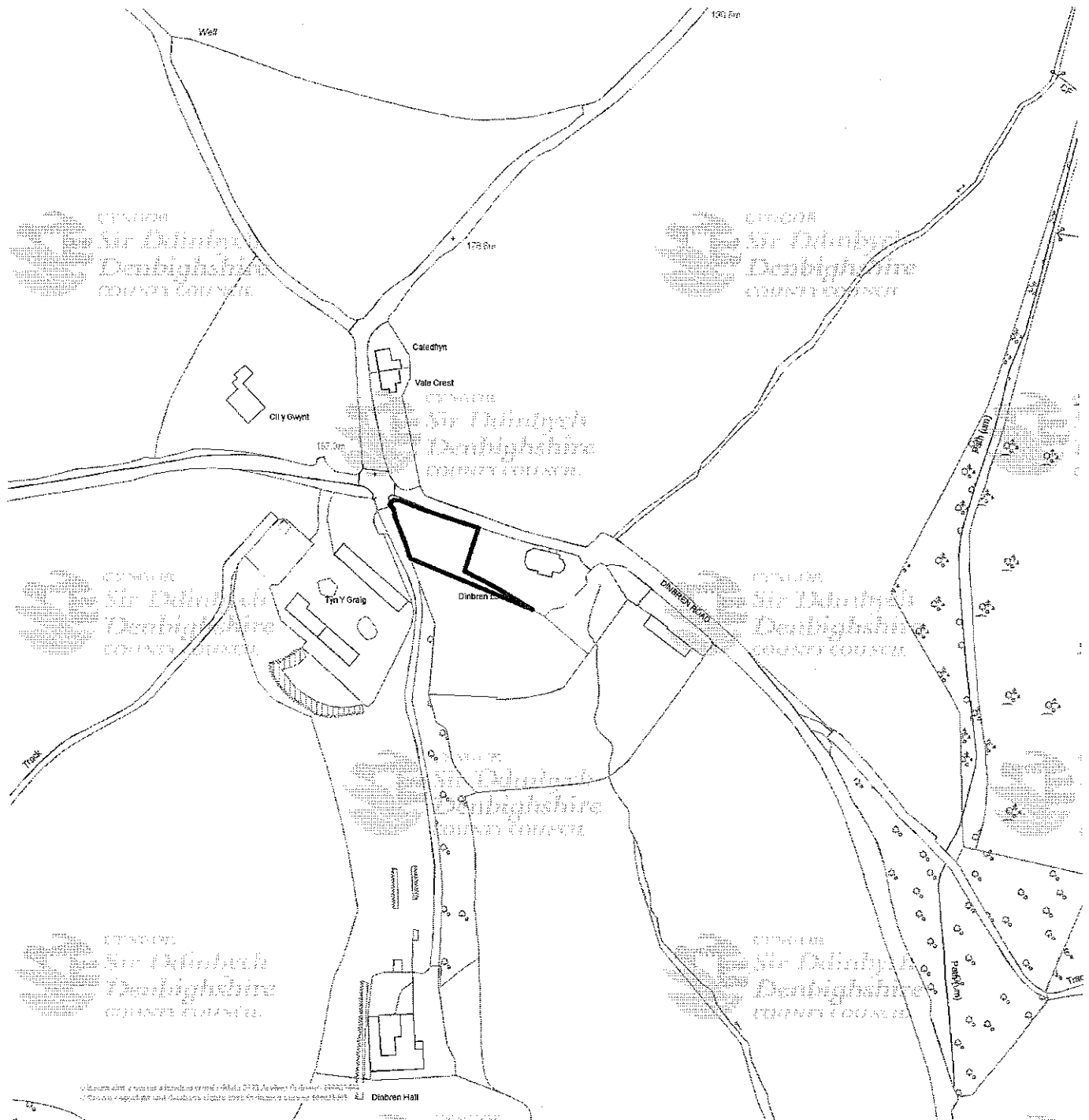


Date 22/8/2012

Scale 1/2500

Centre = 321387 E 343527 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.

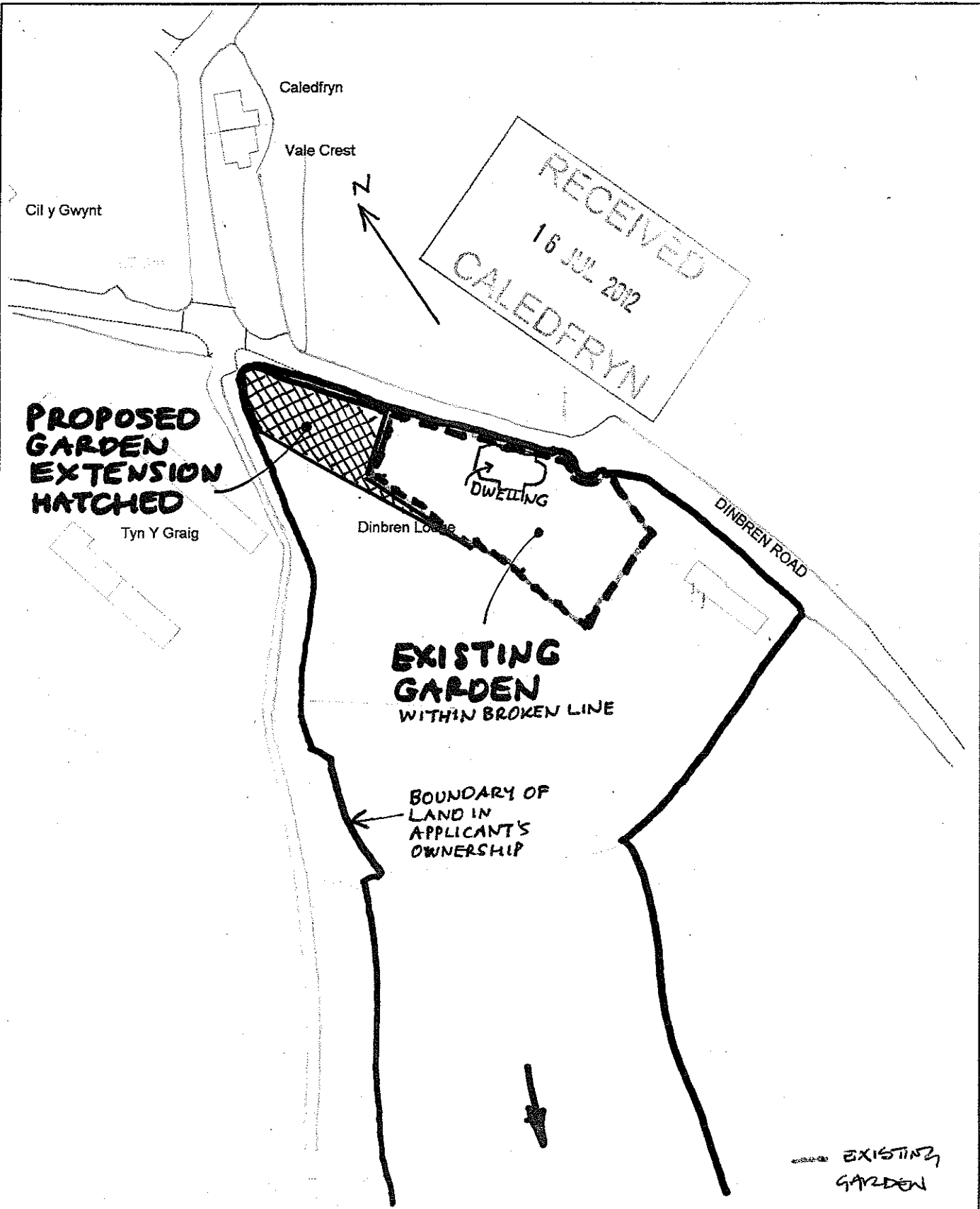
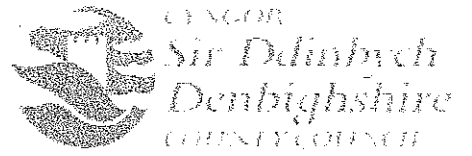


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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chariatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawlfraint y Goron. Mae atgynhyrchu heb ganiatâd yn torri hawlfraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.



Date 11/7/2012  
Scale 1/1250  
Centre = 321381 E 343495 N



**ITEM NO:** 5  
**WARD NO:** Llangollen  
**APPLICATION NO:** 03/2012/0870/ PF  
**PROPOSAL:** Change of use of grazing land to form extension to residential curtilage (partly in retrospect)  
**LOCATION:** Dinbren Lodge Dinbren Llangollen  
**APPLICANT:** Mr Michael Sinclair  
**CONSTRAINTS:** AONB  
Tree Preservation Order  
**PUBLICITY UNDERTAKEN:** Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

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

- Referral by Head of Planning / Development Control Manager

**CONSULTATION RESPONSES:**

LLANGOLLEN TOWN COUNCIL  
No response received

**CLWYDIAN RANGE & DEE VALLEY AONB JAC**

"Having regard to the applicant's intention to create a 'natural wild grass and wild flower area', the JAC has no objection to the change of use in principle. However, the JAC would emphasise the need to retain the existing stand of Scots Pine trees on the site as an important landscape feature, and would recommend that a new hedge comprising traditional native local species be planted and maintained along the southern boundary. In addition, the JAC would also recommend that householder permitted development rights should be withdrawn." (AONB Management Plan Policies PCP1, PCP2 and PSQ1).

**LLANGOLLEN CIVIC SOCIETY**

Have sympathy with the application but overall oppose the application. Have concerns over potential future abuse of any consent. Request condition disallowing future development on the site.

**RESPONSE TO PUBLICITY:**

Representations received from:

Paul Lewis, Dinbren Hall, Llangollen

Summary of planning based representations:

No objections. Request monitoring if permission granted

**EXPIRY DATE OF APPLICATION: 09/09/2012**

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application proposes the extension of an existing residential curtilage into land to the north west of the dwellinghouse at Dinbren Lodge.
- 1.1.2 The dwelling is located close to Dinbren Road and its existing garden area extends to the west, south and north, as can be seen from the plan at the front of the report.
- 1.1.3 The proposed extended area is indicated on the submitted plan and is of an irregular shape, but would be approximately 34 metres by between 13 metres and 18 metres. The existing curtilage measures approximately 60 metres by 30 metres.
- 1.1.4 The application forms state the extended garden is to create a 'wild grass and wild flower meadow area'. It is proposed to move an existing post and rail fence to delineate the boundary. The supporting letter indicates the applicants will accept restrictions on the use as regards buildings and structures, as it is intended to nurture the land as a natural landscape site free from any sheep grazing.

1.2 Description of site and surroundings

- 1.2.1 The land subject to the application is located to the north west of Dinbren Lodge, at a higher ground level than the dwelling itself. The northern boundary runs along the driveway to Dinbren Hall.
- 1.2.2 The land is grassed and contains a number of Scots Pine trees protected by Tree Preservation Order No.7.
- 1.2.3 The property is in attractive open countryside and open to view from higher level in the locality.

1.3 Relevant planning constraints/considerations

- 1.3.1 The application site is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, and the Historic Landscape area of the Vale of Llangollen.

1.4 Relevant planning history

- 1.4.1 None relevant to the application.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 The application has been submitted following investigation by Compliance Officers into concerns over a minor extension to the existing garden area. The area now proposed for the curtilage goes beyond the land fenced off as part of the current garden area.

## 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 HSG 16	-	Extensions to domestic gardens
Policy ENV 2	-	Development affecting the AONB / AOB
Policy GEN 6	-	Development control requirements
Policy CON 12	-	Historic Landscapes, Parks and Gardens

### 3.2 GOVERNMENT POLICY GUIDANCE

Planning Policy Wales 2011

### 3.3 Other material considerations

## 4. MAIN PLANNING CONSIDERATIONS:

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

- 4.1.1 Principle of development
- 4.1.2 Impact on AONB / Historic Landscape

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle of development

The main policy relevant to the principle of extending the residential curtilage of a dwelling is HSG 16. This permits limited extensions to domestic gardens subject to 4 tests, requiring that such development does not:

- have an unacceptable impact on the character and appearance of the open countryside
- constitute ribbon development
- lead to the potential for further and otherwise unacceptable development
- adversely affect features of historic or landscape importance, wildlife sites, etc.

The AONB Committee raise no objection in principle to the proposals subject to protection of the pine trees; removal of permitted development rights, and consideration of planting a new native hedgerow along the southern boundary. Llangollen Civic Society have concerns over potential future abuse of any consent and suggest conditions be attached to prevent future development of the site.

Having regard to the above and the requirements of HSG 16:

Initially, it is considered that as the proposed extension would increase the size of the existing residential curtilage by some 30%, this would constitute a 'limited' extension, in accordance with the premise of the policy. In relation to the detailed tests:

- The proposal for a 'wild grass and wild flower area' would not seem likely to have any unacceptable impact on the character and appearance of the open countryside.
- The proposal would not constitute ribbon development
- The proposal would not lead to the potential for further/unacceptable development (subject to inclusion of suitable conditions – see following sections of the report)

- The proposal would not affect features of historic or landscape importance, or any wildlife site. With regard to the suggestions of the Civic Society and AONB Committee, consideration can be given to imposing conditions preventing the erection of buildings or other minor developments which could otherwise be undertaken as 'permitted development' within a garden area; the Scots Pine trees within the proposed curtilage are already protected by a Tree Preservation Order. With respect to the Civic Society's suggestion that a condition be attached to 'disallow' any future development on the site, such a condition would not meet with the relevant tests in legislation and it would be necessary to simply deal with any future proposals which may arise on their particular merits.

#### 4.2.2 Impact on AONB / Historic Landscape

Policy ENV 2 seeks to control development in the AONB and only permits small scale development where it would not detract from the character and appearance of the AONB. CON 12 looks to protect Historic Landscapes from development which would unacceptably harm their character. GEN 6 reinforces these policies in permitting development provided it does not unacceptably affect the form and character of surrounding landscape or the historic environment.

The comments of the AONB Committee are outlined in 4.2.2. These contain suggestions to limit future development and secure the planting of a boundary hedgerow if permission is granted.

Officers would suggest the proposals for an extended curtilage to create a wild grass / flower meadow for a private dwelling in this location would pose very limited threat to the character or appearance of the AONB and Historic Landscape. The comments of the AONB Committee are duly acknowledged and it would be reasonable to consider including suitable conditions on any permission, as they would ensure due control is exercised over future uses of the extended curtilage which may impact on the character and appearance of the landscape.

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

5.1 The proposal to extend an existing garden by some 30% for use as a wild grass and flower meadow area is considered acceptable in principle in this location within the AONB and Historic Landscape.

5.2 Impact on the AONB /Historic Landscape would be minimal. It is however suggested that conditions would be justified to prevent the erection of domestic buildings, etc, under permitted development rights, and to ensure the planting of a boundary hedgerow.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The use of the land as an extension to the domestic curtilage to Dinbren Lodge shall not be permitted to commence until there has been submitted to, and approved in writing by the Local Planning Authority, proposals for the planting of a native hedgerow (species, sizes and spacing) along the western and southern boundaries of the site. The agreed planting scheme shall be implemented no later than the first planting season following the first use of the land as an extended curtilage, and any planting which dies, is damaged or becomes

diseased within 5 years of being planted, it shall be replaced by hedgerow plants of such size and species as may be agreed in writing by the Local Planning Authority.

3. Notwithstanding the provisions of Classes E, F, G, H of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development permitted by the said Classes of the Order shall be carried out without the prior written approval of the Local Planning Authority.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of visual amenity and to protect the character and appearance of the AONB and Historic Landscape.

**NOTES TO APPLICANT:**

You are reminded that the trees within the applicaiton site are formally protected by Tree Preservation Order No. 7 - Llangollen Urban District and it is an offence to permit, or to carry out works to cut down, top, lop or wilfully destroy any of the trees within Woodland 6 of the Order, without the prior permission of the Local Planning Authority.