



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

Heading:

47/3013/0373/PS  
Penisa'r Mynydd Caravan Park  
Caewys Rd, Rhualt

7

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

 Application Site



Date 29/4/2013 Scale 1/2500  
Centre = 309330 E 376979 N

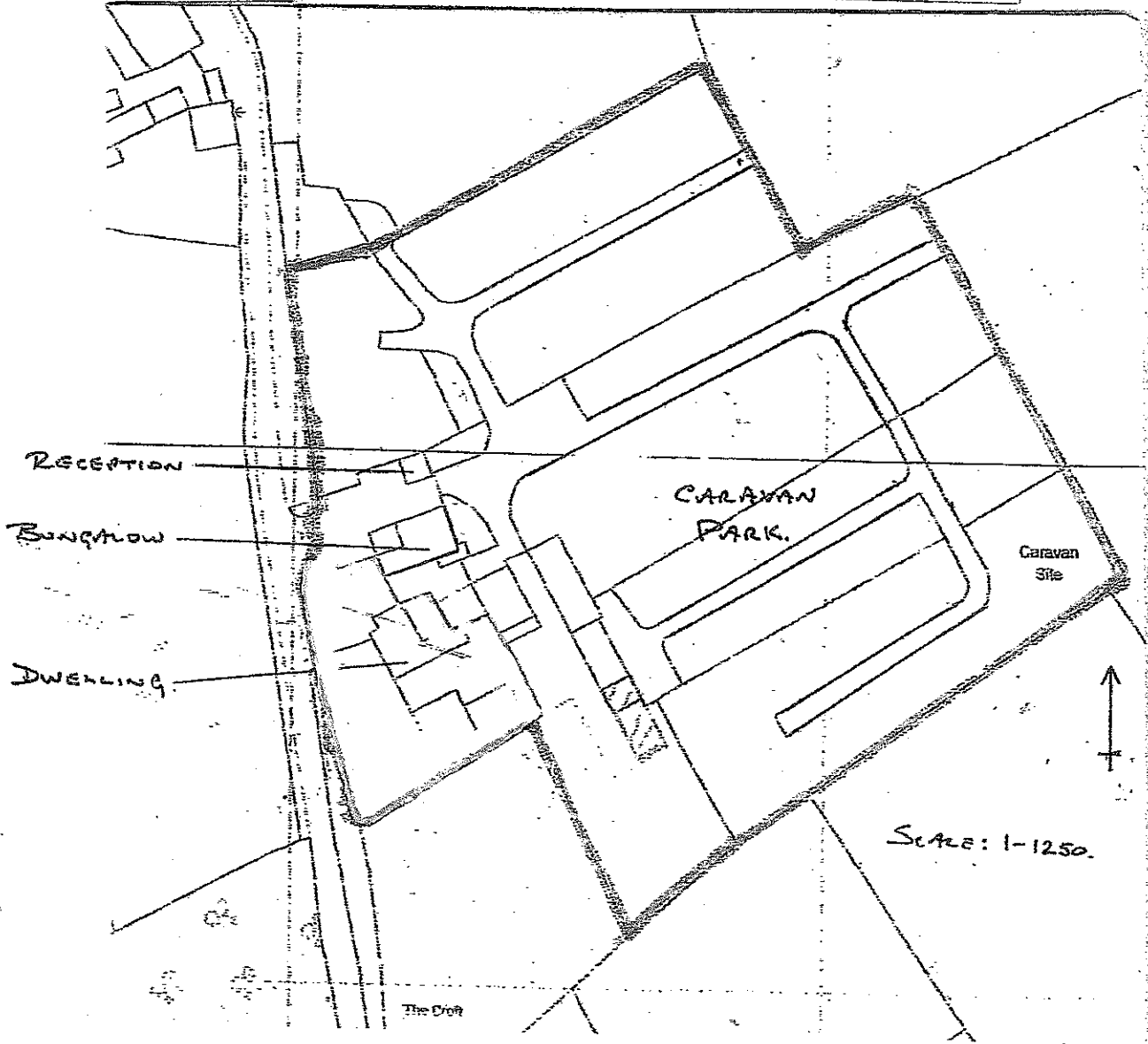
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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

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RECEIVED  
19 MAR 2013  
CALEDFRYN



PENISAIR MYNYDD, RHUMLWT.

BLOCK PLAN.

Office

Caravan Park Entrance

Bungalow

Caravan Park

# LAYOUT PLAN

19 MAR 2013

Scale: 1-200

Road

Front Yard

Yard

Garden

Dwelling

Rear Yard

Shower Block

Shed

Garage

Garden

Shed

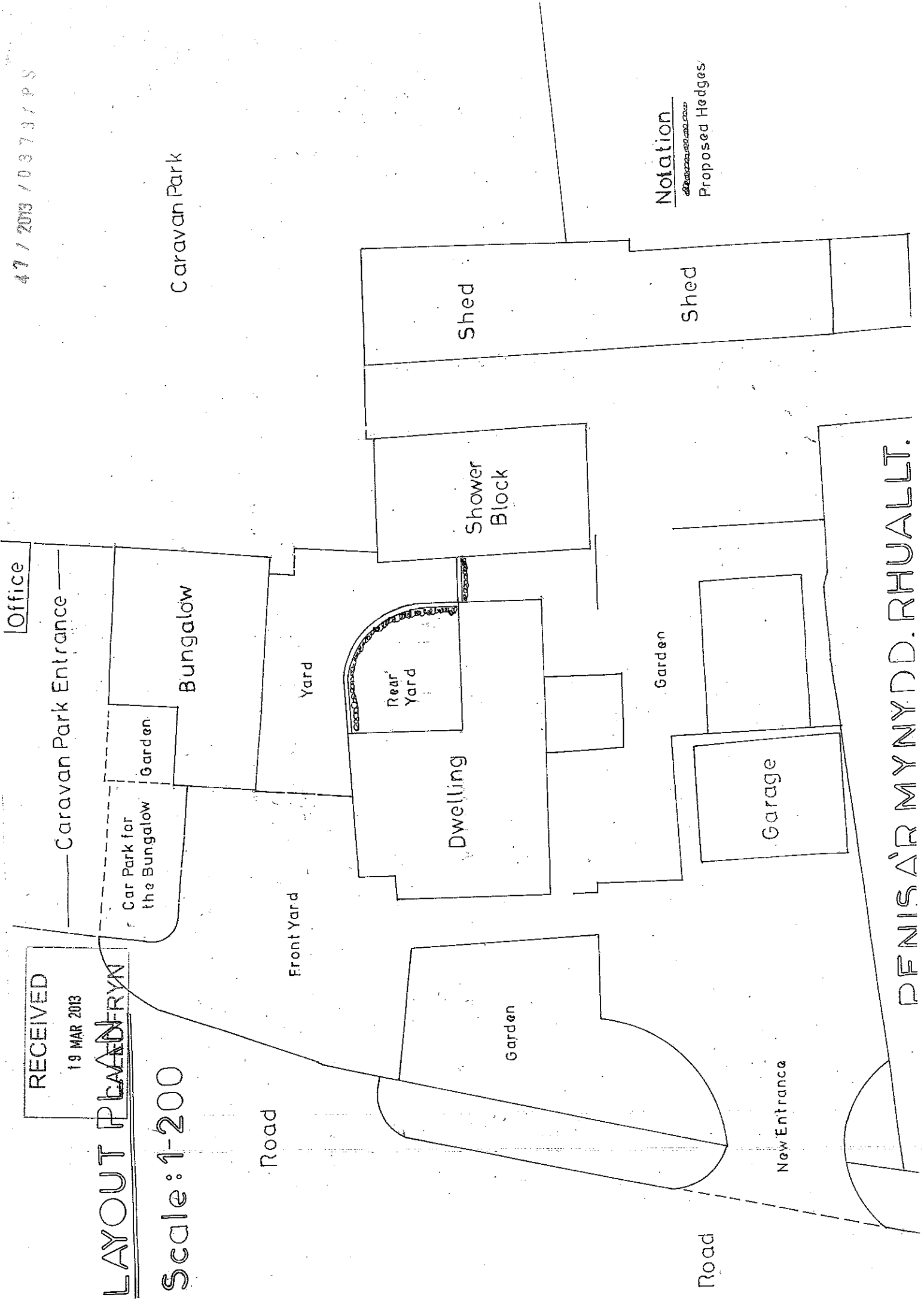
New Entrance

Road

## Notation

Proposed Hedges

PENISŴR MYNYDD. RHUALLT.



EOC

**ITEM NO:** 7

**WARD NO:** Tremeirchion

**APPLICATION NO:** 47/2013/0373/ PS

**PROPOSAL:** Variation of condition no. 3 of planning permission code no. 47/2005/1170 to allow use of residential unit (bungalow) as a separate dwelling in connection with Penisa'r Mynydd Caravan Park (removing link to Penisa'r Mynydd dwelling)

**LOCATION:** Penisa'r Mynydd Caravan Park Caerwys Road Rhualft St. Asaph

**APPLICANT:** Mr G Dobbs

**CONSTRAINTS:**

**PUBLICITY** Site Notice - No

**UNDERTAKEN:** Press Notice - No  
Neighbour letters - Yes

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

- Recommendation to grant / approve – Town Council Objection.

**CONSULTATION RESPONSES:**

TREMEIRCHION CWM & WAEN COMMUNITY COUNCIL

"Objection, for the following reason: On the Certificate of Decision for 47/2005/1170/PF Denbighshire County Council granted planning permission subject to compliance with the condition No 3 specified hereunder: The residential unit hereby permitted shall be used ONLY as ancillary accommodation to the dwelling at Penisa'r Mynydd and it shall AT NO TIME be occupied as a separate dwelling unrelated to Penisa'r Mynydd".

**RESPONSE TO PUBLICITY:**

None.

**EXPIRY DATE OF APPLICATION:** 13/05/13

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

- timing of receipt of representations

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The application relates to residential accommodation at Penisa'r Mynydd, originally subject to a conversion permission in 2000, and amendment in 2005. The 2005 permission was conditioned to restrict the use to ancillary to the main dwelling, and to preclude use as an unrelated dwelling.

- 1.1.2 The current application proposes the variation of condition no. 3 of the 2005 planning permission to allow use of the residential unit as a separate dwelling, but in connection with the caravan park by a Site Manager, removing the link to the dwelling Penisa'r Mynydd. The use of the main dwelling at Penisa'r Mynydd is not restricted to the Manager of the caravan park.
- 1.1.3 For the record planning condition no. 3 read: "The residential unit hereby permitted shall be used only as ancillary accommodation to the dwelling at Penisa'r Mynydd and it shall at no time be occupied as a separate dwelling unrelated to Penisa'r Mynydd". The reason for the condition was, "To enable the Local Planning Authority to control the use hereby permitted in the interests of amenity and taking into account restrictive planning policies for the open countryside".
- 1.1.4 The Agent has advised that there is no longer the need for annex accommodation to the dwelling at Penisa'r Mynydd as the family circumstances of the Applicant have changed. There is a need to accommodate a Site Manager or Owner hence the application has been submitted to vary the condition to use the annex for this purpose.
- 1.1.5 No physical alterations are proposed to accommodate the alternative use. The submitted floor plan indicates that the building comprises of two bedrooms, a kitchen, lounge, bathroom and utility room. A walled garden area would be provided on the north-western side of the unit, parking for 3 vehicles would be in front of this area.

## 1.2 Description of site and surroundings

- 1.2.1 The application relates to a complex comprising of a two storey dwelling Penisa'r Mynydd, the single storey residential unit to which the application relates, and the touring caravan park which can cater for up to 72 caravans.
- 1.2.2 The single storey stone faced with slate roof unit is sited adjacent to the access to the caravan park, between the main dwelling and site office/reception. The caravan park extends to the east of the complex.
- 1.2.3 The complex is located in the open countryside approximately 3 kms north-east of Rhuallt. Access is gained via a class C highway with direct access to the A55 at Glan Llyn interchange.
- 1.2.4 The site is relatively flat, and bounded on all sides by established hedgerows.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies outside of any development boundary, in the AONB.

## 1.4 Relevant planning history

- 1.4.1 The original use of the unit was a barn. Planning permission was granted for the change to an annex in 2000 and amended in 2005. The amendment included an 'elsan' toilet disposal unit in the corner of the unit, to be used in connection with the caravan site.

## 1.5 Developments/changes since the original submission

- 1.5.1 None.

## 1.6 Other relevant background information

- 1.6.1 In respecting the comments of the Town Council, the applicants have the right to seek variations or deletions of any conditions imposed on a planning permission, and the Local Planning Authority has the duty to consider them on their particular merits.

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

- 2.1 47/2005/1170 Amendment to layout of approved granny annexe with provision for disabled shower and Elsan disposal point for the caravan park (amendment to Application Ref. No. 47/855/99/PF). Granted under delegated powers 09/11/2005.
- 2.2 47/855/99/PF Conversion of outbuilding to granny annexe. Granted under delegated powers 01/01/2000.

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

- 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
  - GEN 1 - Development within Development Boundaries
  - GEN 6 - Development Control Requirements
  - HSG 9 - Residential Conversion of Rural Buildings to Dwellings
  - ENV 2 - Development affecting the AONB/AOB

### 3.2 GOVERNMENT GUIDANCE

- PLANNING POLICY WALES EDITION 5 November 2012
- TAN 6: Planning for Sustainable Rural Communities

## **4. MAIN PLANNING CONSIDERATIONS:**

### 4.1 The main issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Impact on the character of the area and AONB
- 4.1.3 Impact on residential amenity
- 4.1.4 Highway safety

### 4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

Policy GEN 3 relates to development outside development boundaries and states that new residential development will not be permitted apart from some exceptions, the most relevant being the conversion and reuse of existing rural buildings and housing for essential rural workers. Policy HSG 6 sets out the tests for development proposals relating to the erection of agricultural workers dwellings. These tests relate to financial and functional need. This policy has been updated by Welsh Government Planning Policy document TAN 6 (published in July 2010), which should be read in conjunction with Planning Policy Wales (PPW) as it sets out the circumstances in which new residential development is permitted in the open countryside. HSG 6, TAN 6 and PPW require that existing accommodation options on an enterprise are considered prior to the submission of an application for a new dwelling on an established rural enterprise.

The Agent has advised that there is no longer the need for annex accommodation to the dwelling at Penisa'r Mynydd as the family circumstances of the Applicant have changed. However there is a need to accommodate a Manager for the caravan site, as evidenced by an Enforcement investigation for the siting of a static caravan to accommodate a Site Manager in 2012. The use of the former annex for Managers accommodation appears to be the most logical solution to the problem.

Whilst not necessarily a straightforward proposal that fits comfortably under a specific planning policy, it is considered that the proposal would not be fundamentally contrary to the rural restraints policies of GEN 3. It is noted that the original permission involved the change of use of an outbuilding to annex accommodation, not a new build. The building was converted and has been used for a period of time for the permitted use (7 years), and it is now surplus to requirements. Planning policy

HSG 9 suggests that alternative uses should be sought for redundant buildings prior to seeking change of use to unrestricted dwellings. In this instance the alternative use would be for Managers accommodation. Furthermore Planning Policy HSG 6 and TAN 6 suggest that existing buildings should be reviewed for conversion prior to seeking new buildings for rural workers. As the use would be now restricted to the Site Manager, the proposal would also fulfil the aims of these policies.

The detailed impacts are considered below:

#### 4.2.2 Impact on the character of the area and AONB

The main policy that refers to scale, landscape and visual impact is GEN 6, policy HSG 9 also refers to the character of the buildings and area, in terms of visual appearance. ENV 2 is also of relevance as the site is located in the AONB where proposals should preserve and enhance the special landscape character of the area.

There are no physical alterations proposed to facilitate the planning application. The general site arrangements would also remain as existing.

It is not considered the proposal would impact adversely on the character and appearance of the area or the wider AONB.

#### 4.2.3 Impact on residential amenity

Policy GEN 6 sets specific tests to be applied to amenity of impacts of development; policy HSG 9 also refers to amenity impacts.

The application proposes variation of a condition to allow for use of an annex in connection with a caravan site rather than the dwelling it was originally attached to.

In Officers' opinion the site layout and window arrangement means the unit lends itself to be used with either the dwelling or the caravan park without detriment to the amenity of the potential or adjacent occupiers. There would be adequate amenity space and parking to accommodate the more independent use. Owing to the siting and relationship with the caravan park a condition is suggested to be re-imposed to ensure the unit remains ancillary to the caravan park in the interests of amenity. It is not considered the proposal would conflict with the amenity considerations of planning policy GEN 6.

### **SUMMARY AND CONCLUSIONS:**

- 4.3 The application proposes a variation of a condition which was put in place in the interests of amenity and the necessity of restrictions in the then open countryside policies. It is not considered there are any clear policy grounds to resist the proposal for these reasons today, and therefore the application is recommended for grant.

Determination of this application and all others at this Committee has to be made on the basis of the policies of the current adopted Development Plan, which is the Denbighshire Unitary Plan. Given the progress on the Local Development Plan and the possibility of its adoption in the near future, consideration has been given to whether any significant planning policy implications are likely to arise from acceptance of the Officer recommendation on the application. In this case, it is suggested that the recommendation would not be inconsistent with the basic approach in the proposed policies of the Local Development Plan.

**RECOMMENDATION – GRANT** variation of Condition 3 with the following condition:

1. The use of the bungalow at Penias'r Mynydd shall be to accommodate the Owner/Manager of the associated caravan park only and at no time shall be occupied as a separate dwelling unrelated to the caravan park.

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

1. In the interests of the amenity of the proposed occupiers.

**NOTES TO APPLICANT:**

None