

**01/2023/0231**



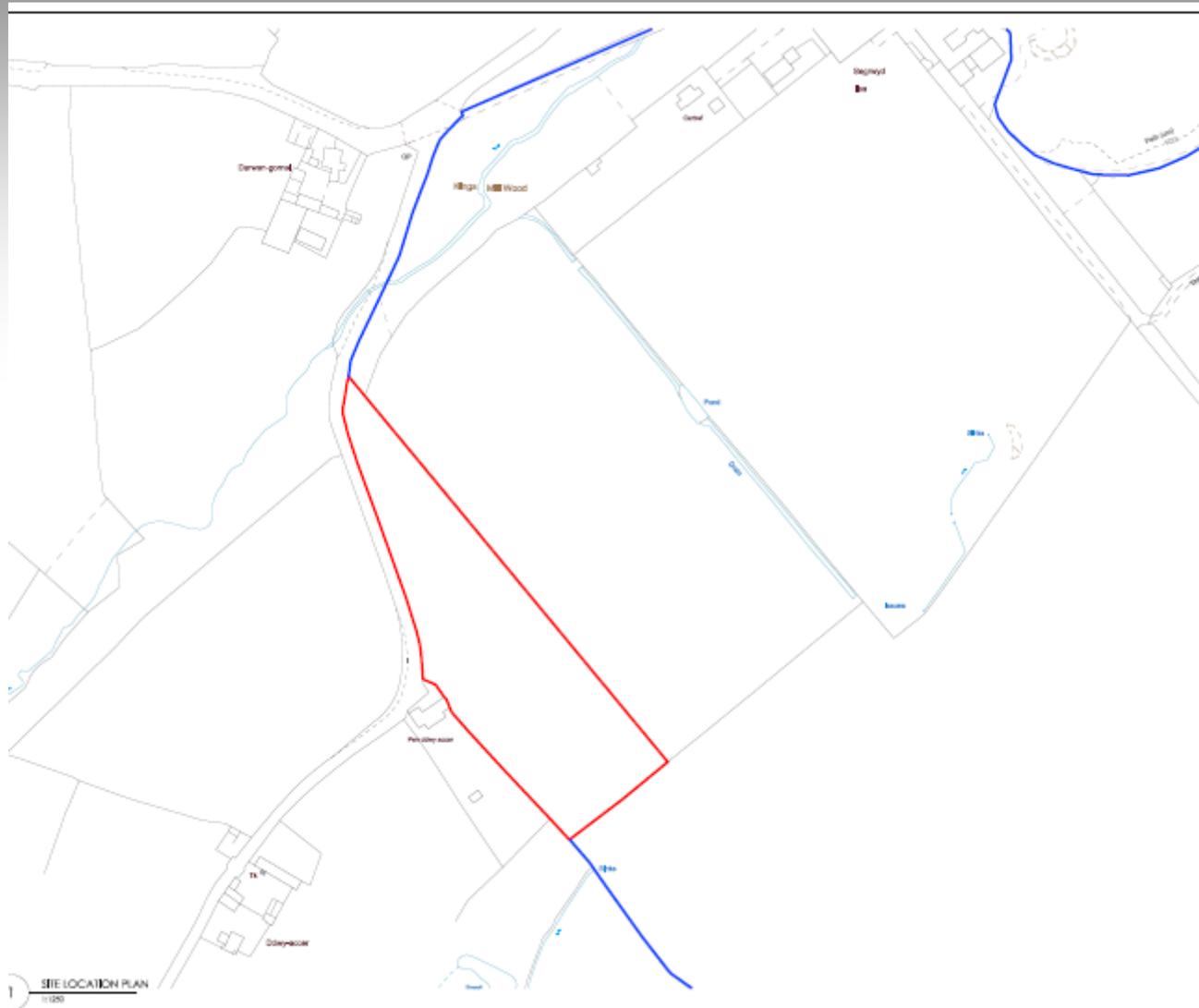
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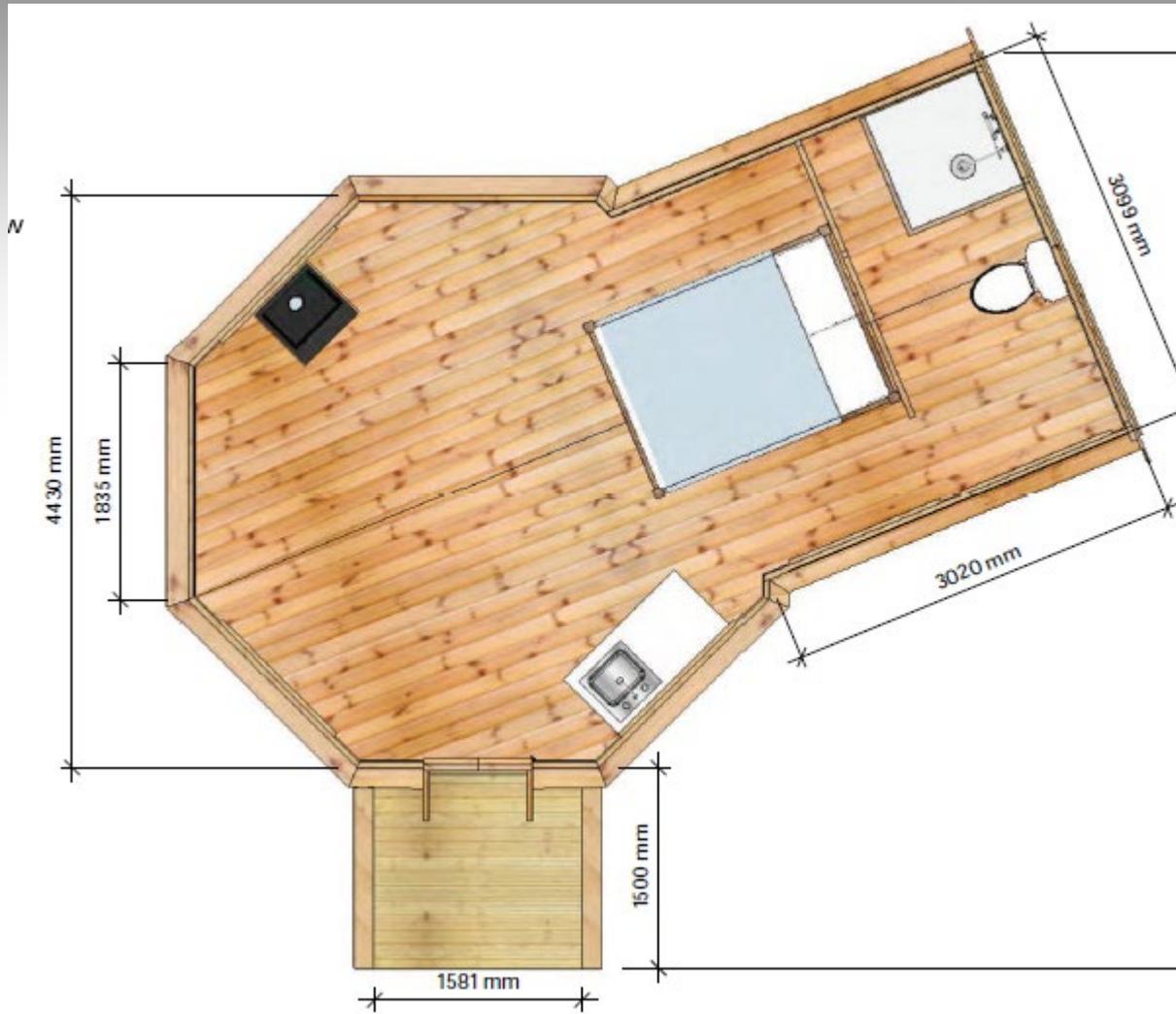
Location plan





Proposed site plan





Proposed floor plan





Proposed elevations







Views within the site facing  
north east and south east





View within the site towards Pen Ddwy Accar



View of the access  
facing north



View from the  
access facing  
south west

**WARD :** Denbigh - Caledfryn - Henllan

**WARD MEMBER(S):** Cllr Pauline Edwards  
Cllr Delyth Jones (c)  
Cllr Geraint Lloyd Williams

**APPLICATION NO:** 01/2023/0231/ PF

**PROPOSAL:** Change of use of land by the siting of 2 no. timber cabins for holiday let purposes, installation of septic tanks, landscaping, vehicular access, parking and associated works

**LOCATION:** Land adjacent to Pen Ddwy Accar, Lawnt, Denbigh, LL16 4SU

**APPLICANT:** Mr Rhys Hooson

**CONSTRAINTS:** None.

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

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

- Recommendation to grant / approve – 4 or more objections received

**CONSULTATION RESPONSES:**

DENBIGH TOWN COUNCIL-  
No objection.

**NATURAL RESOURCES WALES**

Additional information required.

Concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding foul drainage and pollution prevention.

The developer has not submitted any porosity/percolation testing results. Nor are there calculations for the specific size of any proposed soakaway.

Applicants wishing to operate a private sewerage system will need *either* to apply to us for an environmental permit *or* register with us for an exemption from the permit requirement. Septic tanks and small sewage treatment works that meet certain criteria may be registered as exempt.

**DWR CYMRU / WELSH WATER**

The proposal intends utilising an alternative to mains drainage, seek advice from NRW and building regulations.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Traffic, Parking and Road Safety:

- Highways Officer-

*“No objection.*

*Highways Officers have given consideration to the following elements of the proposals;*

- o *Capacity of existing network*
- o *Site access*

The following information has been reviewed as part of the assessment of the proposals;

- Design and Access Statement
- Site Plans

The application site as existing has no direct access from the local highway network. Alterations will be required for the provision of a suitable access. As part of the development, a new access point is proposed from the public road (B4501). In the applicant's submission, they have stated that this location has been chosen to ensure maximum visibility from each of the existing road corners. This is evident from the Proposed Site Plan. The site access will be located approximately 95m from the Northern corner and 50m from the Southern corner. Whilst the road is subject to a maximum speed limit of 60mph, it is highly unlikely that these speeds can be achieved on a relatively narrow and low trafficked country lane. The access point shown is to be approximately 5m wide with splayed post and rail timber fencing not exceeding 1.1m in height thus not reducing the visibility for exiting vehicles. The access is shown to be of sufficient width to accommodate the passing of two vehicles unobstructed. This type of access arrangement is not uncommon for access onto a country lane. Whilst it is acknowledged there are limited footpaths along the lanes leading to the site, this is not uncommon for rural country lanes throughout the county leading to developments of a similar size.

A timber gate is to be installed at the site entrance, shown on the Proposed Site Plan to open inwards. The location of the gates appear to be approximately 5m from the edge of the highway, which would accommodate one vehicle to stop clear of the highway if the access gate was closed. A hardstanding is illustrated within the site to accommodate the parking of 4 vehicles along with sufficient space for the turning of vehicles to ensure exiting of the site can be carried out in a forward gear.

Having regard to the scale of the proposed development, the existing highways network and the submitted highways details, it is considered that the proposals would not have an unacceptable impact on the local highways network in terms of capacity.

Having regard to the assessments above, taking into consideration the capacity of the existing highway network and the site access proposals, Highways Officers would see no reason to object to the proposed development subject to appropriate conditional controls."

- Public Protection Officer-  
Informally advised that this isn't the sort of development that has historically raised noise complaints and there would be no requirement for a noise impact assessment to be submitted. The applicant may want to surround the hot tubs with substantial fences that would act as a solid noise barrier.  
  
Please note, the granting of planning permission does not preclude the Public Protection Department from carrying out a formal investigation should a statutory nuisance complaint be received in the future.
- Ecology Officer  
No objection providing conditions are attached to ensure there are no negative impacts on protected species or the nature conservation value of the site. Recommend conditions are attached around the submission of a biodiversity enhancement scheme, ensuring that all works take place outside of bird nesting season, an external lighting scheme is submitted for approval and a detailed landscaping scheme is submitted ensuring all trees and hedges to be retained are protected during site clearance.
- Drainage Officer  
SAB approval required.

- Tree Specialist-  
The site clearly has mature trees and whilst the application is only for two holiday pods I still consider that a BS5837:2012 tree survey is necessary with an accompanying Arboricultural Impact Assessment. An Arboricultural Method Statement will only be necessary if the AIA finds that trees will be affected.

#### **RE-CONSULTATION RESPONSES:**

Percolation test results and Arboricultural Impact Assessment submitted.

#### **NATURAL RESOURCES WALES**

Awaiting response.

- Tree Specialist-  
Awaiting response.

#### **RESPONSE TO PUBLICITY:**

##### In objection

Representations received from:

Paul Davies and Natalie Pollard Cartref, Lawnt, Denbigh

Gerwyn Lloyd, Coed Derw, Lawnt, Denbigh

Arwyn Lloyd, Geraint and Gwenfyl Lloyd, Derwen Gornel, Lawnt, Denbigh

Kathryn Jones, Penddwy Accar, Denbigh

Helen a Iorwerth Jones, 13 Ffordd Thomas Gee, Denbigh

Sian Vaughan Jones, 72 Trewen, Denbigh

Summary of planning based representations in objection:

##### *Principle*

New static caravan sites not permitted PSE12

##### *Visual amenity*

Location not suitable as its on the top of a hill with direct views to properties below and walkers using the footpaths passing Segrwyd Isa.

Prominent location and will stand out and be visible for a great distance.

Alternative sites nearer to the farm would be more suitable and less obtrusive.

Extensive screening required to separate the site from the agricultural land not in line with the SPG guidance

##### *Residential amenity*

Noise concerns being within 200m of nearby properties

Other sites across the farm should be considered

Elevated site and noise travels

Hot tubs will generate noise outdoors.

Privacy impacts from overlooking

Lack of foliage in winter will raise more overlooking concerns

Disturbance from visitors lost trying to find the site, already occurs.

Overlooked by adjacent property

##### *Highways Impacts*

The site is off the B4501 which is a national speed limit road

The main road is steep and narrow and has blind corners either side of the entrance where the wall and hedge will be retained.

Site not served by footpaths or cycle ways and narrow roads are a hazard for pedestrians/ cyclists

Access not suitable for more vehicle use

No street lighting on this road B4501

No public transport or reasonable walking distance from- car access only

In support

Representations received from:

Marian Hooson, 115 Garden Lane, Chester

Tracie Hope, 22 Brussels Road, Stockport

Summary of planning-based representations in support:

Similar businesses in the area and will bring additional benefits to local business through tourism and employment opportunity in the area.

The cabins are small scale and would not cause disruption to immediate neighbours

Farm diversification scheme should be supported to generate income for the farm

Location does not impact farm operations and will regenerate the land which is currently neglected.

Additional planting will reduce visual impacts and noise.

**EXPIRY DATE OF APPLICATION: 28/05/2023**

**EXTENSION OF TIME AGREED: 21/07/2023**

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

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application seeks permission for the change of use of land by the siting of 2 no. timber cabins for holiday let purposes, installation of septic tanks, landscaping, vehicular access, parking and associated works at land adjacent to Pen Ddwy Accar in connection with Segrwyd Isa farm, Lawnt, Denbigh.
- 1.1.2 The units are to be fixed to a timber base piled into the ground and would be located within the site approximately 51m from each other. A car park for 4 vehicles is proposed near the new entrance into the site including turning area and bin store.
- 1.1.3 The units would have a round hipped roof to a height of 3.7m and lower pitched roof height of 3m. A front porch is proposed along with open plan kitchen/living/dining and separate shower room and toilet. The total footprint of the units would measure 20sqm.
- 1.1.4 A woodfired hot tub is proposed outside the cabins along with an internal log burner.
- 1.1.5 The cabins are accessed from the gravel car park via a permeable footpath.
- 1.1.6 Soft landscaping is proposed including native species hedgerow to the north east boundary to demark from the agricultural field, tree planting, wildflower meadow planting and ornamental and native shrub planting.
- 1.1.7 Bollard lighting is proposed around the paths.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 Design and access statement, business case, Preliminary Ecological Appraisal, Tree Survey, percolation test results.

### 1.3 Description of site and surroundings

- 1.3.1 The total site area measures 1.16ha and comprises a number of mature trees within an area of the field which is used for grazing.
- 1.3.2 The site is bound by a stone wall to the west and southern boundaries with timber fencing to the north and east. There are a number of mature trees within the site and the site has previously been used for grazing.



*Photos from Design and Access statement*

### 1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside of the Denbigh Development Boundary and is considered to be in the open countryside for planning purposes.
- 1.4.2 The site is located on Grade 3a land according to the Welsh Government Predictive Agricultural Land Classification.

### 1.5 Relevant planning history

- 1.5.1 None.

### 1.6 Developments/changes since the original submission

- 1.6.1 Tree survey, ecological survey, percolation test results.

### 1.7 Other relevant background information

- 1.7.1 None.

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

- 2.1 None.

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

The main planning policies and guidance are considered to be:

#### **Local Policy/Guidance**

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy PSE5** – Rural economy

**Policy PSE12** – Chalet, static and touring caravan and camping sites

**Policy PSE14** – Outdoor activity tourism

**Policy VOE5** – Conservation of natural resources

**Policy ASA3** – Parking standards

#### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Caravans, Chalets & Camping

Supplementary Planning Guidance Note: Trees & Landscaping

#### **Government Policy / Guidance**

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 12 Design (2016)

TAN 13 Tourism (1997)

TAN 18 Transport (2007)

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

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing

policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Impact on best and most versatile Agricultural land
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity
- 4.1.5 Ecology and trees
- 4.1.6 Drainage
- 4.1.7 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Section 5.5 of PPW11 relates to tourism and sets out a general presumption in favour of encouraging sustainable tourism, where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities.

PPW11 states that in rural areas, tourism-related development is an essential element in providing for a healthy and diverse local/national economy, but requires development to be sympathetic to the local environment and to the needs of visitors and the local community.

Section 5.5.2 of PPW11 confirms that in Wales “*the planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities.*”

TAN15 -Tourism is consistent with the approach of PPW and confirms the importance of the tourism sector to the Welsh economy and under paragraph 4 states that Tourism “*Makes a major contribution to the Welsh economy, provides employment in a wide variety of occupations and can bring benefits to local economies and communities in urban and rural areas*”.

TAN 6 Planning for Sustainable Rural Communities provides guidance on how Authorities should seek to create sustainable rural economies. Para. 3.1.2 states that they “*should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment.*”

It is considered that the proposal reflects this guidance, as it would be a small rural business that would assist in supporting and diversifying the economy of the rural area in which it is located and would provide employment for local persons.

Concerns have been raised that the principle of development is not acceptable as Policy PSE12 does not permit new static caravan sites.

The Planning Statement submitted with the application states that proposal is a farm diversification scheme and would provide stability for the family and farm business. The proposal is intended to support and diversify the contribution to the rural economy in the area and the proposed units are stated to be a valuable addition to the farm business located on an unused piece of land connected to the farm and would help to provide a positive impact on the local economy including the nearby pubs and restaurants and attractions.

With regard to agricultural development, Planning Policy Wales 11 (PPW 11) states that diversification activities come in many forms and include both agricultural and non-agricultural activities. PPW 11 goes on to state that diversification projects “*should be supported where there is no detrimental impact on the environment and local amenity*”. The Planning statement confirms that the existing farm will be operating as usual and will not be impacted by the proposal and vice versa.

Having regard to relevant Local Development Plan Policies, Policy PSE 12 relates to chalets, static/touring caravans and camping sites and allows for the environmental improvement of existing sites but does not allow any new static caravan sites to be created, however it states that proposals for new sites involving holiday accommodation which sustain the rural economy will be supported subject to the criteria in policy PSE5 being met. Officers are of the opinion that the proposed units would meet the definition of a caravan due to the fact that they are of a size and scale which is likely to be capable of being moved once sited on the land. It is therefore considered that the units meet the definition of a caravan and Policy PSE12 would apply in this case.

PSE12 states that new touring caravan and camping sites will be encouraged where all the following criteria are met:

- (i) *the site is small in scale and proportionate to its location, particularly within and adjoining the Area of Outstanding Natural Beauty or Area of Outstanding Beauty, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape areas; and*
- (ii) *the development would not result in an over concentration of sites in any one locality to the detriment of the landscape or residential amenity; and*
- (iii) *the development makes a positive contribution to the local biodiversity, and natural and built environment; and*
- (iv) *the development would not appear obtrusive in the landscape and is high quality in terms of layout, design and landscaping in line with the development principles, and it has no adverse highway or community impacts;*

It is important to note that the reasoned justification for PSE 12 explains:

*“Static and touring caravan sites together with chalets and camp sites are an important source of holiday accommodation, which can be crucial to the success of the tourism industry, although such sites are often seen as being visually intrusive. This is particularly felt in the main resort areas of Rhyl and Prestatyn where a series of adjoining sites are prominent and in various countryside locations. In some areas the cumulative impact of existing sites may be considered visually obtrusive and dominant in the landscape therefore the Council will encourage landscaping schemes to improve and screen sites. The Plan will seek to ensure that future development is permitted only where the proposal would not result in an over concentration of similar uses in the locality and where there is significant enhancement of the biodiversity of the area.”*

The proposal is for the siting of 2 holiday pod units on land which is adjacent to ploughed fields in connection with Segrwyd Isa farm, Lawnt. The number of units is considered to be small scale and proportionate to its location within the parcel of land outside of the main field. The proposal is not considered to represent an

overconcentration of similar sites in the locality as each site has different characteristics and offers a different experience to visitors, no one site is the same.

The Planning statement describes that the site is well situated in relation to reinforcing and expanding the tourism offer in line with Policy PSE14 in connection to the outdoor activity sector as it would complement the extensive outdoor pursuits available within the local area. The proposal is not directly linked to a specific outdoor activity, and as such, Officers are of the opinion that Policy PSE14 is not directly relevant to the assessment of the proposal. Officers instead consider that the relevant policy is 'Policy PSE5 - Rural Economy'.

Policy PSE 5 states that:

Appropriate employment proposals for both conversions and new build outside of development boundaries will be supported provided the following criteria are met:

- i) the proposal is appropriate in scale and nature to its location; and*
- ii) any suitable existing buildings are converted or re-used in preference to new build; and*
- iii) proposals for new buildings are supported by an appropriate business case which demonstrates that it will support the local economy to help sustain local rural communities; and*
- iv) within the AONB/AOB, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape areas, take full account of and seek to enhance the nature and distinctive qualities of the local landscape. In line with national policy any proposals that are considered to be detrimental to the quality of the AONB and World Heritage Site will be refused.*

The justification to Policy PSE 5 establishes the need to sustain rural employment throughout the County is recognised and relevant considerations relating to sustainability and minimising environmental concerns are identified. Having regard to criteria i) the appropriateness of the scale and nature of the proposal is not considered to be unacceptable in this location. The site is on land in association with the Segrwyd Isa Farm complex and is currently used for periodic grazing as it cannot be ploughed due to the constraints and trees on the site. It is acknowledged that the site is a distance away from the main farm complex, however, the small-scale nature of the site is not considered to be detrimental to the nature of location.

The proposal is for small scale pods to be sited on the land with extensive landscaping and environmental improvements. It is considered that the smaller units are more akin to caravans and are capable of being moved off site and not permanent development.

Officers acknowledge the points raised and consider that the proposal for 2x 1 bed holiday units at the site would not result in an overconcentration of holiday accommodation sites within the area given the uniqueness of these developments across the county. It is accepted by the Council that small scale holiday accommodation contributes a large section of the holiday accommodation on offer in Wales.

To conclude, it is acknowledged that there is some conflict with Policy PSE 12, but that there is also support for the proposal from Policy PSE 5. Assessing the principle of development in this instance is a matter which requires a balanced view to be taken between compliance with policy and an assessment of the impacts of the proposal. Noting the reasoned justification of Policy PSE12 and the support from Policy PSE 5, Officers consider the principle of a small-scale holiday unit accommodation as part of a farm diversification scheme in this location to be unacceptable, subject to an assessment of the localised impacts.

#### 4.2.2 Impact on best and most versatile Agricultural land

Planning Policy Wales (PPW 11) Section 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW 11 notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

The application site is located within land of Grade 3a which is good quality agricultural land as defined by the Welsh Government Predictive Agricultural Land Classification.

The site area measures 1.16ha in size and involves the siting of two holiday pods with a footprint of 20sqm each including parking area, landscaping and access paths. The land is not currently used for farming practices due to its topography and numerous mature trees present. No justification has been provided on the loss of this land and why there is an overriding need for the development, other than the camping business is part of a farm diversification proposal. However, as the units are proposed to be sited on the land and are of a scale which are capable of being moved, Officers consider that the loss of this small area of land which is currently not used for agricultural purposes despite being part of the farm, is not unacceptable and could be suitably returned to a condition fit for vegetation. It is considered reasonable to attach a condition to any decision to ensure this is undertaken should the use of the site for holiday accommodation cease.

#### 4.2.3 Visual amenity

The Development Management Manual (DMM) advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

PPW 11 Section 6.3.3 states '*All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.*'

Planning Policy Wales (PPW 11) Chapter 6 'Distinctive and Natural Places' states *there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting.*

The Caravans, Chalets and Camping SPG states that proposals should have regard to the following:

- *The scale of a development must respect its surrounding environment;*
- *Larger development will generally only be permitted within or adjacent to settlements;*
- *Proposals in rural locations must be sensitively developed;*
- *Proposals should be sited so as to avoid skylines, prominent hillsides or exposed sites.*
- *Proposals in open countryside should normally be set against a backdrop of semi-mature/mature trees or within woodland settings. Sites which require extensive screening through new planting will not be appropriate;*
- *Proposals should respect the topography of the site and existing site levels should be retained wherever possible. Where minor changes in level are*

- necessary in parts of a proposed site, the preference will be for cutting into slopes rather than creating platforms for building;*
- *All planning applications must be accompanied by a comprehensive landscaping scheme;*
  - *Close scrutiny should be given to environmental designations throughout the county. In line with national guidance, proposals within areas of flood risk will not be permitted;*
  - *For development within the AONB or its setting, developers should have regard to the AONB Management Plan and the need to conserve and enhance the special qualities of the protected landscape. Similar considerations apply to the Pontcysyllte Aqueduct & Canal World Heritage Site and its buffer zone.*

Representations have been receiving raising visual amenity concerns over the impact siting of the units in a prominent location which will be visible for a great distance. Representations also suggest there are alternative sites near to the farm which would be more suitable and less obtrusive.

The proposal involves the siting of 2 small scale holiday accommodation units within an area of land not currently used for agricultural purposes due to the presence of a number of mature trees restricting its ability to be managed for monocultures. The land directly adjacent to the site is used for crops and is extensively managed for agricultural purposes. The site slopes up to the west and contains standalone trees with little scrub or vegetation below the canopies.

The layout of the 2 units involves them staggered into the sloping site set at a distance of approximately 50m from each other. They are situated closer to the east boundary which is at a much lower level than the property to the west and they face onto the open farmland and Segrwyd Isa which is approximately 300m away. Whilst it is acknowledged that ideally farm diversification schemes such as this should be located close to existing development, the location choice statement submitted by the applicant clearly explains why the site was chosen for the scheme and why siting the units closer to the farm would interfere with the operations taking place daily at the farm complex. The site was chosen as it could provide a safe access for guests without them having to come through the main farm lane which is busy and dangerous and electricity and water could be provided the site without extensive cables or pipes. The proposed site is an area of land which is not used for agricultural purposes and would offer visitors a secluded rural experience whilst providing additional income for the farm. The site is not considered to be situated in a prominent location given the back drop of trees and the fact there is already a dwelling located to the immediate west of the site. The units are very small scale and would be integrated well into the site through the extensive landscaping which has been proposed.

With respect to the representations received regarding the site being an exposed and prominent location, the Caravans, Chalets and Camping SPG states that 'proposals should be sited so as to avoid skylines, prominent hillsides or exposed sites'. It is not considered that the units would be sited on a skyline or on a prominent or exposed site due to the back drop of trees and landscaping. The proposed landscaping arrangements would further integrate the units into the slope rather than provide a screen for the units. Officers acknowledge that the proposal involves extensive landscaping, however, are of the opinion that this will enhance the visual appearance of the site whilst creating important habitats and opportunities for a range of wildlife. Currently the site has limited biodiversity value except for the mature trees and deadwood and the additional shrub and hedgerow planting will provide a large biodiversity enhancement for the local area.

The design of the units involve a front canopy entrance and circular central space with outdoor decking for a woodfired hot tub. The small scale nature of the units and the limited windows on them would reduce the amount of internal light spill which could cause harm to the landscape or nearby occupiers. No external lighting scheme has

been submitted with the application and Officers consider it reasonable to attach a condition to any decision to ensure that any new lighting to the footpaths or emergency/security lighting for each unit is strictly controlled.

Overall, subject to the imposition of conditions controlling the details of the external lighting scheme and ensuring a more detailed hard and soft landscaping scheme is submitted for approval including details about how it will be maintained into the future, Officers consider that the scheme would not result in any unacceptable visual amenity impacts to the character of the area.

#### 4.2.4 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Representations have been made regarding residential amenity issues such as overlooking concerns and noise generation from the occupiers of the units.

The nearest dwelling to the site lies to the immediate west, Pen Ddwy Accar. Its side elevation abuts the boundary of the application site and is orientated north to south with a large garden to the rear. The site is bound by a stone wall and a number of trees help to screen the property from views from the east.

It is noted that other objections on overlooking and noise grounds have been submitted by occupiers of properties located a distance away from the site including Derwen Gornel approximately 220m away, Cartref located approximately 270m away, and Coed Derw approximately 500m to the north of one of the units.

Regarding the comments received raising overlooking concerns, it is noted the proposal involves extensive screening and landscaping as part of the scheme which helps integrate the units into the site and provides a biodiversity enhancement. The site is separated from the properties to the north by the road, hedgerows, open farmland, and mature trees within the site. Having visited the site and assessed the proposals from the ground, Officers do not consider that the proposed units would raise unacceptable overlooking or privacy concerns to the occupiers of nearby properties.

The Public Protection Officer has advised that in his experience this is not the type or scale of development that results in noise complaints being made and there is no requirement for a noise impact assessment to be submitted. The scheme is likely to generate a maximum of 4 visitors at any one time due to the units only having a single bedroom. The Public Protection Officer has advised that screen fences around the hot tub areas may act as a noise barrier. The most affected neighbour is likely to be Pen Ddwy Accar due to the proximity of the units. Officers consider it reasonable to impose a planning condition which requires the detail of screen fences to be submitted for approval and secure the erection of those fences prior to the use commencing.

As the proposals are for 2 x 1 bed units it is considered that the likely increase in vehicles coming to the site would be 2 with an occupancy of 4 people. It is unlikely that the traffic generation from the site would not result in unacceptable impacts to other users of the road or an unacceptable level of disturbance to occupants of neighbouring properties.

Limited details regarding external lighting has been proposed with no lighting included on the units. Bollard lighting 0.5m high along the paths is proposed but no details of the specification have been provided. The units contain small windows and a canopy area over the front door. It is not considered the internal light spill would impact unacceptably on the residential amenity of the nearby occupiers. Officers consider it reasonable to ensure an external lighting scheme is submitted for approval by the Local Planning Authority to control the lighting on the units and to the outside hot tub area to ensure this does not impact unacceptably on nearby properties or nocturnal wildlife.

To conclude, it is not considered that the level of activity associated with the proposed holiday accommodation units would result in a level of noise and disturbance to occupiers which would give rise to a reason for refusal.

#### 4.2.5 Ecology and trees

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 11) sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

No representations have been received on ecological grounds.

A Preliminary Ecological Assessment (PEA) has been submitted with the proposal.

The PEA survey identified the main ecological interest for the site is the mature trees, deadwood and the boundary hedgerow. In terms of recommendations in the report, it was advised that the woodland area/scattered trees should be fenced out (with an access gate) from the adjacent field to prevent any future grazing and to allow an understorey/ground flora to develop. Some additional tree planting can take place within the open areas of grassland to enhance the site, species should include beech *Fagus sylvatica*, hawthorn *Crataegus monogyna*, holly *Ilex aquifolium*, hazel *Coryllus avellana*, field maple *Acer campestre* and English oak *Quercus robur*. All large sections of deadwood/timber should be retained on the ground for the benefit of invertebrates.

As additional enhancement measures, the report recommended 2 schwegler bat boxes to be placed on suitable mature trees facing south or west, 4 vivaro pro bird nest boxes to the north and east trees and 2 swift bricks per unit to be installed on the north elevation. It also made recommendations regarding an external lighting scheme ensuring a low luminance and no upward directional lighting.

The County Ecologist has reviewed the details in the Preliminary Ecological Appraisal and has advised that they raise no objections but recommend conditions should be attached to any decision the submission of a biodiversity enhancement scheme, ensuring that all works take place outside of bird nesting season, an external lighting scheme is submitted for approval and a detailed landscaping scheme is submitted ensuring all trees and hedges to be retained are protected during site clearance.

Officers have assessed the contents of the Ecology Report and the advice provided by the Ecologist and consider that appropriately worded conditions should be attached to any decision to ensure that there are no negative impacts on protected species or the nature conservation value of the site, and all reasonable steps have been taken to maintain and enhance biodiversity as required by Section 6.4 of Planning Policy Wales, Edition 11.

#### 4.2.6 Drainage (including flooding)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Planning Policy Wales (PPW 11) Section 6.6.9 states '*The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity*'.

The proposal involves the installation of a septic tank per unit. Percolation test results have been provided and NRW have raised no objection to the scheme.

The Drainage Officer has advised that SAB approval from the SUDS Approval Body will be required due to the construction area being over 100sqm. A note to applicant will be attached to any decision to remind the applicant of this duty.

#### 4.2.7 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales 11 (PPW11) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

Concerns have been raised by neighbours regarding the steepness and narrowness of the lane and the additional volume of traffic using the lane as generated by the new proposal. The road is not served by footpaths or cycle ways and there are no streetlights. Public transport is a distance away from the site.

The site is proposed to be served by a new access off the B4501 to the south of the existing access into Pen Ddwy Accar and has been selected to provide the maximum visibility from both directions. It would involve removing a section of stone wall and levelling into the site. Car parking for 2 vehicles plus 2 disabled spaces are proposed with turning space within the site. A pedestrian track is proposed through the centre of the site to each unit.

The Highway Officer has raised no objection to the proposal and has advised that whilst the road is subject to a maximum speed limit of 60mph, it is highly unlikely that these speeds can be achieved on a relatively narrow and low trafficked country lane. The access point shown is to be approximately 5m wide with splayed post and rail timber fencing not exceeding 1.1m in height thus not reducing the visibility for exiting vehicles. The access is shown to be of sufficient width to accommodate the passing of two vehicles unobstructed. This type of access arrangement is not uncommon for access onto a country lane. Whilst it is acknowledged there are limited footpaths along the lanes leading to the site, this is not uncommon for rural country lanes throughout the county leading to developments of a similar size.

A timber gate is to be installed at the site entrance, shown on the Proposed Site Plan to open inwards. The location of the gates appear to be approximately 5m from the edge of the highway, which would accommodate one vehicle to stop clear of the highway if the access gate was closed. A hardstanding is illustrated within the site to accommodate the parking of 4 vehicles along with sufficient space for the turning of vehicles to ensure exiting of the site can be carried out in a forward gear.

Having regard to the scale of the proposed development, the existing highways network and the submitted highways details, Highways Officers have advised that the proposals would not have an unacceptable impact on the local highways network in terms of capacity.

Having regard to the advice provided by the Highways Officer above, taking into consideration the capacity of the existing highway network and the site access proposals, the proposal would not have an unacceptable impact on the highway network subject to appropriate conditional controls.

#### Other matters

##### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

## 5. SUMMARY AND CONCLUSIONS:

5.1 The application is considered to be acceptable on the basis of the information submitted regarding the impact to the character of the area and the associated tourism benefits, and is recommended to be granted subject to conditions.

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

1. The development to which this permission relates shall be begun no later than 19th July 2028
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Proposed plans and elevations received 31 March 2023
  - (ii) Existing site plan (Drawing No. AL-10-001-P1) received 31 March 2023
  - (iii) Proposed site plan (Drawing No. AL-20-001-P5) received 16 June 2023
  - (iv) Location plan (Drawing No. AL-00-001-P1) received 31 March 2023
  - (v) Hot tub information received 31 March 2023
  - (vi) Septic tank details received 31 March 2023
  - (vii) Ecological Assessment (Clwydian Ecology, dated 22/02/2023) received 5 May 2023
  - (viii) Cofnod Environmental Information Search (dated 24/02/2023) received 5 May 2023
  - (ix) Location Choice Statement- received 16 May 2023
  - (x) Tree Constraints Plan (Drawing No 13652 Rev 01) - received 16 June 2023
  - (xi) ACR Appendix 1 - received 16 June 2023
  - (xii) Arboricultural Impact Assessment with Tree Protection Measures (Tyrer Ecological Consultants Ltd, dated June 2023) - received 22 June 2023
  - (xiii) Percolation Test Results (Eilir Davies) - received 28 June 2023
3. The holiday units hereby approved shall be occupied for holiday purposes only and not as a person's sole or main place of residence. A record shall be kept of all occupiers of the units and shall be made available for inspection at the reasonable request of the Local Planning Authority. The information shall be made available for inspection at all reasonable times on written request from the Local Planning Authority.
4. Notwithstanding the hereby approved plans, the development shall proceed in strict accordance with the details contained within the Arboricultural Impact Assessment with Tree Protection Measures (Tyrer Ecological Consultants Ltd, dated June 2023).
5. Notwithstanding the hereby approved plans and documents, prior to the commencement of development or any site clearance, a detailed scheme of hard and soft landscaping shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting.
  - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas.
  - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform.
  - (e) proposed positions, design, materials and type of boundary treatments.
  - (f) the timing of the implementation of the planting and landscaping scheme including the future management of all trees, hedgerows, plants and biodiversity enhancement measures installed on the site over a 25 year period
  - (g) details of minor artefacts and structures including any furniture, bin/recycling store or other storage units and screen fencing to the rear of the hot tub areas.The scheme shall proceed in strict accordance with the approved details.

6. Notwithstanding the hereby approved plans and documents, within 3 months of the commencement of development, a detailed Site Management Plan shall be submitted to the Local Planning Authority for approval in writing. This shall include details of site operations and all rules for visitors to adhere to. The scheme shall proceed in strict accordance with the approved details.
7. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any hedges, trees or plants which within a period of 5 years from the completion of the development 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 otherwise agreed in writing.
8. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
9. Notwithstanding the hereby approved plans and documents, no development shall take place until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. This shall include provision for roosting bats and nesting birds including the number, location and specification of those features which shall be shown on appropriate plans. The development shall be carried out strictly in accordance with the approved details.
10. No external lighting shall be permitted to be installed externally on or around the the units or operated elsewhere on the site including emergency/ security lighting, until the written approval of the Local Planning Authority has been obtained to details thereof, including a light mitigation strategy, with measures to reduce light spillage onto foraging habitats for bats. The scheme shall be carried out strictly in accordance with the approved details.
11. Should the use of the site cease for holiday accommodation purposes, all units shall be removed from the land within 6 months of the date of the cessation of the use and the land shall be restored in accordance with a scheme of land restoration to be submitted in writing to the Local Planning Authority within 6 months of the cessation of the use. The scheme of land restoration shall include details of the timing of restoration, and the restoration shall proceed in accordance with those approved details.

**The reasons for the conditions are:**

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure that the units are utilised for holiday accommodation purposes only in line with national and local planning policies.
4. To maintain and enhance biodiversity
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development
6. In the interests of residential and visual amenity
7. In the interests of visual amenity and to maintain and enhance biodiversity
8. In the interests of visual amenity and to maintain and enhance biodiversity
9. To maintain and enhance biodiversity
10. In the interest of residential amenity and to ensure the favourable conservation status of protected bat species.
11. In the interest of landscape and visual amenity