



Adroddiad

Ymweliad â safle a wnaed ar 03/05/05

Report

Site visit made on 03/05/05

gan/by Clive I Cochrane DipArch RegArch MSc MRTPI

**Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru**

**an Inspector appointed by the National
Assembly for Wales**

Dyddiad/Date 08/06/05

Flintshire County Council

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 77 CALL-IN

PLANNING APPLICATION

BY

HOLTS HOLDINGS LTD

Bank Farm, Lower Mountain Road, Penyffordd, Flintshire CH4 0EX

Cyf ffeil/File Ref: APP/A6835/X/05/514659

File Ref: APP/A6835/X/05/514659

Site address: Bank Farm, Lower Mountain Road, Penyffordd, Flintshire CH4 0EX

- The application was called in for decision by the National Assembly for Wales on 23/12/04 by a direction made under section 77 of the Town and Country Planning Act 1990.
- The application is made by Holts Holdings Ltd to Flintshire County Council.
- The application, Ref: 038067, is dated 12/07/04.
- The development proposed is in outline form for the demolition of existing buildings & erection of new dwellings.
- The reason given for making the direction was that the proposed development raises planning issues of more than local importance, in particular, that it raises issues which appear to be in conflict with national planning policies.
- On the information available at the time of making the direction, the following were the matters on which the Assembly particularly wished to be informed for the purpose of consideration of the application: -
 1. The visual and environmental implications of the proposed development on the site and surrounding areas.
 2. The relevant national policies as set out in Planning Policy Wales (March 2002) particularly those relating to residential development in the countryside.
 3. Policies in the Alyn and Deeside Local Plan and Flintshire Unitary Development Plan

Summary of Recommendation: that planning permission should be refused.

Procedural Matters

1. The application is made in outline with all detailed matters reserved for future consideration by the local planning authority.
2. An accompanied site inspection was arranged for 14:00 hrs on 03/05/05. Whilst the applicants' agent Mr P Eyton-Jones attended on time, the local planning authority representative failed to appear. After waiting some 30 minutes and telephoning the Council office, with the agent's permission I carried out an unaccompanied inspection of the site, buildings and surroundings. The Council were informed of this procedural change in a letter of 09/05/05, but no further comments have been received.

Site and Surroundings

3. The application site comprises the buildings and yards of Bank Farm on about 0.7 ha of land. It is located on the southern side of Chester Road at its junction with Lower Mountain Road and Barracks Lane. The site has existing vehicular access points off both Chester Road and Lower Mountain Road.
4. The site includes a redundant farm dwelling and associated farm outbuildings and barns in various degrees of rather poor condition. These are a mixture of older brick and timber buildings and more modern structures of breezeblock, steel frames and metal sheeting. One building nearest to Chester Road appears to have been last used as a flower shop, whilst the other larger barns were intended for agricultural purposes.

5. The site lies in the open countryside, surrounded by farmland, some 0.5 km east of the Penyffordd settlement boundary, as defined in the Alyn & Deeside Local Plan and the Flintshire UDP Deposit Draft.

Planning Policy

6. Clwyd Structure Plan First Alteration Policy B8 only permits new dwellings in the open countryside in special circumstances where they are needed to house a farm/forestry worker, and Policy H3 aims to protect and enhance the landscape and natural environment of the countryside by controlling the impact of new development.
7. Structure Plan Second Alteration: Flintshire Edition Policy GEN1 requires new development to be of high quality design and to minimise any adverse impact upon the environment, GEN3 controls development outside settlement boundaries, GEN4 deals with the open countryside and HSG 7 restricts new dwellings in the open countryside to those considered essential to house a farm or forestry worker who must live on the spot rather than in a nearby settlement.
8. The Alyn and Deeside Local Plan Policy H6 applies the same controls to new dwellings in the open countryside and G1 sets out 14 general requirements for all new development.
9. The Flintshire Unitary Development Plan Deposit Draft Policy GEN1 sets out general requirements for new development, GEN3 applies the same controls over development outside settlement boundaries, GEN4 protects the open countryside from unwarranted development and HSG 4 reiterates strict controls over the development of new dwellings in the open countryside.

Planning History

10. An outline planning application for the erection of 12 dwellings on this site (Ref No: 00/2/00733) was refused planning permission on 05/09/00.
11. Following the deposit period of the Draft UDP in 2003, the applicants requested that the application site be identified as suitable for residential development. They considered that the farm and outbuildings should be classed as a 'brownfield' site suitable for development in accordance with government guidance, that the site has adequate access to serve the scale of development proposed, its location would be sustainable on an easily accessible bus route, and previous business/ retail uses have been undertaken from the site.

Case for the Applicants

12. The site has not been in use for agriculture for many years. The land surrounding the site was sold off and the group of buildings was last used as a residence and retail units selling flowers, plants, potatoes, lettuce, milk, eggs and meat. There was also a horticultural business in polytunnels and a wedding car service. The applicants bought the site about 7 years ago, since when planning permission has been refused for 12 dwellings in 2000 and the property has become derelict and vandalised.
13. The owner has been called out on numerous occasions by North Wales Police when vehicles have been set alight in the site, and there have been several incidents where children/teenagers have been congregating at the farm and carrying out unlawful acts of vandalism, sexual activities, and drug and alcohol abuse. This despite the gates being locked and the property boarded up.

14. The site is close to the village of Penyffordd, and being on the main Chester Road it has good access to the employment opportunities offered by Airbus in Broughton, the Chester Business Park and Warren Hall nearby. There are no special designations regarding landscape or nature conservation interests, and the site is not included within Green Barrier designation of the Alyn & Deeside Local Plan.
15. Although PPW aims to strictly control development in the open countryside away from existing settlements, paragraph 2.7 states a preference for the development of previously-developed land rather than the use of greenfield sites. This is reinforced by guidance in paragraphs 9.2.8-9 for the allocation of housing land. Bank Farm has not been in agricultural use for many years, but has had commercial use, and therefore it meets the definition of brownfield land.
16. The development would meet the aims of PPW at paragraph 9.2.18 regarding sustainability, choice and benefit to the rural economy. The pressures for development in Chester have been transferred across the Green Belt and the border into Flintshire. The proposal would offer a wide choice of dwelling including affordable housing in close proximity to Broughton, Chester, the Deeside Industrial Estate and RAF Sealand.
17. The proposed development would fall into the category of unallocated sites for 10 or more houses in the Alyn & Deeside Local Plan, which may be brought forward for development and given planning permission. The Local Plan estimates for new housing land indicate that it would be reasonable to assume that 100-120 houses would be gained from "windfall sites", which are unallocated sites of 10 or more dwellings.
18. The proposed development would meet the general planning requirements set out in Policies G1 of the Local Plan and GEN1 of the Draft UDP. UDP Policy GEN 3 would need to be considered alongside the flexibilities set out in the Alyn & Deeside Local Plan, and government emphasis on the use of previously-developed land. The need to improve the visual appearance of the site and the designation of the site as brownfield land and a windfall site to meet the housing need would take precedence over UDP Policy GEN 4. Policy HSG 4 replicates GEN 3 with regard to new dwellings in the open countryside.
19. The Officer report to Planning Committee did not refer to the possibility of the development being considered as a windfall site, or a non-allocated housing site, but the members were aware of the options open to them. There were no objections from the statutory consultees, and apart from one objection, other representations were in favour of the proposed development.
20. Similar sites at Rhyd-y-Galed Farm, and redundant petrol filling stations at Sealand on the A548 and on the A55 at Northop have been approved as residential developments outside the existing settlement boundary.

Case for Flintshire County Council

21. In a majority decision, the Council members resolved to grant planning permission for the development, against the advice of the Chief Planning Services Officer and Legal Officer for the Council. The view prevailed that the site is a derelict eyesore on the main road and it should be classed as previously-developed or brownfield land due to the mixture of uses that have taken place there over the years.
22. In the report to the Planning and Development Control Committee 01/12/04, the Chief Planning Services Officer recommended refusal on the grounds that the proposed development would be located within the open countryside outside the settlement boundary

of Penyffordd as defined in the Alyn & Deeside Local Plan and the Flintshire Unitary Development Plan Deposit Draft. It was explained to the members that in such locations, new development will only be permitted if it can be established by the local planning authority that the dwellings are essential to house farm/forestry workers who must live on the spot rather than in a nearby settlement.

23. There is no planning history of commercial activities taking place on the site, but one of the buildings does have a fascia sign indicating that it was used as a farm shop at some time in the past. The officers concluded that the site would not fall within the definition of a brownfield site as set out in PPW Figure 2.1, which excludes agricultural or forestry land and buildings.
24. No special circumstances were advanced in support of the application, and therefore the officers considered the development to be contrary to Policy B8 of the Clwyd Structure Plan First Alteration, Policy HSG 7 of the Structure Plan Second Alteration Flintshire Edition, Policies H6 and G1 of the Alyn & Deeside Local Plan and Policies GEN 3, GEN 4 and HSG 4 of the Flintshire Unitary Development Plan Deposit Draft.
25. During the processing of the application, the Council received 4 letters which do not object in principle to the renovation or conversion of the existing buildings, but are not in favour of the demolition and redevelopment on the scale proposed. One letter of objection stated that the site is located within the open countryside, that development on the scale proposed would be visually intrusive, and it would not be sympathetic to the character of the locality.

Written Representations

26. A total of 16 letters had been received at application stage, including one from the Higher Kinnerton Community Council supporting two (converted) dwellings to improve the existing site but strongly opposing the erection of any new dwellings, and a letter from the Countryside Council for Wales, who have no objection to the proposed development, and note that no statutorily protected sites or species would be affected.
27. Of the other letters, 10 are in favour of the redevelopment of the site on grounds that it would remove an eyesore that attracts vandals, the buildings were not classed as agricultural and one was actually used as a flower shop for 20 years, the site has not been operated as a farm for many years, it is a brownfield site, the farm buildings were a commercial operation called "Bank Farm Enterprises", "Aunt Maggie's Farm Shop", "The Flower Box", and "Eggs-on-Lay", and a business park development has been allowed at Warren Hall Farm near to the site.
28. The main objections to the proposed development are that it would be contrary to national planning policy and the development plan for the area, being outside the defined development boundary of the village, it is not a brownfield site as these are farm buildings, any previous commercial uses on the site operated without planning permission, and if all derelict and redundant farm buildings were regarded as brownfield sites available for residential development the consequences for the countryside would be very serious. Several objectors welcomed the possibility of renovation, conversion and re-use of the farm buildings rather than redevelopment, and the view is expressed that the farm has only become an eyesore since it became redundant.

Appraisal

29. No details of the proposed residential development are provided in the application. The site is given as 0.7ha which, when cleared, I estimate could accommodate up to 20 dwellings.

Whilst the modern barn and storage structures on the site are dilapidated and in poor structural condition, the red brick farmhouse and attached outbuildings are potentially attractive traditional buildings in the open rural landscape.

30. The submitted site plan boundary follows the perimeter of the group of buildings that formed the old farmyard. These are situated in an open rural landscape of productive arable land, dotted here and there with farmsteads. The site lies within the open countryside, well outside the settlement boundary of Penyffordd.

National Policy

31. With regard to the relevant national policies as set out in Planning Policy Wales (March 2002) relating to residential development in the countryside, one of the key policy objectives is to promote resource-efficient settlement patterns by avoiding urban sprawl and development on greenfield sites (PPW Chapters 2 and 9). Development within or on the edge of existing settlements and the re-use of suitable previously developed land and buildings is preferred.
32. Although part of the site might have been used for farm sales in the past, it remains agricultural in its past function and its current appearance. As defined in Figure 2.1 of PPW, previously developed land "is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure". Although the PPW definition specifically excludes "land and buildings currently in use for agricultural or forestry purposes" (my underlining), this must also exclude land and buildings last used for agricultural purposes, even where they are now redundant. To conclude otherwise would be likely to have serious implications for the development of rural farmyards throughout the Welsh countryside.
33. The application site is well outside recognised settlement boundaries, and the development would not have good access to jobs or public and other services. Consequently, the proposed development would not meet PPW priorities for rural areas, which aim to secure sustainable rural communities with access to high quality public services. The occupants of the proposed dwellings would be largely dependent on the private car, rather than other transport modes, for access to normal daily activities and, accordingly, the development of this site would fail to promote a sustainable pattern of development.

The Development Plan for the Area

34. The Bank Farm buildings are located within the open countryside, outside the settlement boundary of Penyffordd, which is defined in the Alyn & Deeside Local Plan and the Flintshire Unitary Development Plan Deposit Draft. In this location Policy H3 of the Clwyd Structure Plan First Alteration aims to protect the landscape and natural environment of the countryside and Policy B8 only allows new dwellings in the open countryside in special circumstances, where a dwelling is essential to house a farm or forestry worker who must live on the spot rather than in a nearby settlement. These policies are reiterated in Policies CONS 5 and HSG 7 of the Structure Plan Second Alteration Flintshire Edition, Policies H6 of the Alyn & Deeside Local Plan and Policies GEN 3, GEN 4 and HSG 4 of the Flintshire Unitary Development Plan Deposit Draft.
35. The thrust of all these policies of the approved and emerging development plan is in line with government guidance in PPW intended to protect and conserve the open countryside and to ensure that new housing is compatible with sustainability objectives. The site does not meet the definition of brownfield land, and as there are no other special circumstances advanced in

support of the proposed residential development, it would therefore be contrary to the force of the relevant policies in the development plan for this locality.

Visual and Environmental Implications

36. The clearance of the site and a new development of up to 20 new dwellings would appear visually isolated at this crossroads in the open countryside. Whilst it might be appropriate, as has been suggested, to retain the old farmhouse and perhaps convert the brick outbuildings to residential use, the construction of a modern housing estate on the site would be inappropriate due to its visual intrusion in the open countryside. The development would appear incongruous at this location and it would be likely to have a detrimental visual impact on the surrounding rural and farming landscape.
37. In environmental terms, the residents would be forced to rely on the private car for access to the nearest locations of employment, education, retail, medical and other facilities. There is insufficient evidence to demonstrate that an adequate bus service is available to meet the general needs of the residents. Consequently, the development would be in an unsustainable location, it would make further demands on the utilities and rural services, and the travel patterns of the residents would be unacceptable in terms of increased car-borne travel.

Conclusions

38. I do not consider that the use of conditions would overcome these strong policy objections. For the reasons given above and having regard to all other matters raised, I conclude that planning permission should be refused.

Recommendation

39. I recommend that planning permission be refused.

C. I. Coomane .

INSPECTOR