



# Supplementary Planning Guidance

No.10 New Housing in the Open Countryside

Adopted by Flintshire  
County Council on 17th  
January 2017



## Purpose

It is Flintshire County Council's intention to prepare and keep up to date a series of Supplementary Planning Guidance (SPG) Notes which will provide detailed guidance on a range of development issues and topics. The purposes of these Notes are:

- To assist the public and their agents in preparing planning proposals and to guide them in discussions with officers prior to the submission of planning applications,
- To guide officers in handling, and officers and councillors in deciding, planning applications, and
- To assist Inspectors in the determination of appeals

The overall aim is to improve the quality of new development and facilitate a consistent and transparent approach to decision making.

## Planning policies: the Flintshire context

### The Development Plan

Under planning legislation, the planning policies for each area should be set out formally in the Development Plan. Flintshire County Council, as the Local Planning Authority (LPA), has a legal duty to prepare and keep up to date a development plan for the County, and the Flintshire Unitary Development Plan was adopted in 2011. The UDP provides broad policies together with allocations of land for all the main uses such as housing, employment and retailing, and will help to shape the future of Flintshire in a physical and environmental sense as well as influencing it in economic and social terms. The Plan therefore seeks:

- To help the Council make rational and consistent decisions on planning applications by providing a policy framework consistent with national policy and
- To guide development to appropriate locations over the period up to 2015.

### The need for Supplementary Planning Guidance

Despite the Plan containing policies with which the Council can make consistent and transparent decisions on development proposals, it cannot in itself give all the detailed advice needed by officers and prospective applicants to guide proposals at the local level, such as house extensions or conversions of agricultural buildings. The Council's intention is to prepare a range of Supplementary Planning Guidance notes (SPG) to support the UDP by providing more detailed guidance on a range of topics and issues to help the interpretation and implementation of the policies and proposals in the UDP. The review of the Local Planning Guidance Notes will be undertaken on a phased basis and details of the available SPG's can be found on the Council's website. Where there is a need to refer to another SPG this will be clearly referenced. These SPG Notes are freely available from Planning Services, Directorate of Environment, County Hall, Mold, Flintshire CH7 6NF (telephone 01352 703228), at the Planning Services reception at County Hall and can be downloaded from the Planning Web pages [www.flintshire.gov.uk/planning](http://www.flintshire.gov.uk/planning)

## The status of Supplementary Planning Guidance

Supplementary planning guidance can be taken into account as a material consideration in the decision making process. The National Assembly will give substantial weight to SPG which derives out of and is consistent with the development plan. In accordance with National Assembly advice the Council's suite of SPG's has been the subject of public consultation and Council resolution. The draft of this SPG was approved for public consultation on 26.07.2013 (Council Minute no.17). The SPG was the subject of a public consultation exercise between 18.12.15 and 12.02.16. The 5 comments submitted to the Council have been taken into account and where appropriate amendments have been incorporated into this final draft which was approved by the Council on 17.01.17 (Council Minute no.8) for use as a material consideration in determining planning applications and appeals. A summary of the representations and the Council's response is set out in Appendix 2.

**This document should therefore be afforded considerable weight as a material planning consideration.**

# No.10 New Housing in the Open Countryside

## 1 - Introduction

1.1 - This guidance note explains the approach that the Council will take when dealing with proposals for new housing in the open countryside. It offers additional guidance on the interpretation and application of key policies within the Unitary Development Plan specifically Agricultural and Forestry Workers Dwellings (HSG4); Rural Enterprise Dwellings; Infill Development (HSG5); Replacement Dwellings (HSG6); One Planet Developments; and Affordable Housing on Rural Exception Sites (HSG11). The Unitary Development Plan policies quoted HSG4; HSG5; HSG6; and HSG11 are all listed in full within Appendix 1 to this Guidance Note. References are also made through this document to related Planning Guidance particularly Guidance Note 5 Conversion of Rural Buildings (Policy HSG7) and Guidance Note 9 Affordable Housing which are available on the Council's Website.

1.2 - For reference in the use of this guidance please note that Open Countryside is defined by the Unitary Development Plan on page 162 of the UDP Written Statement as "a term used to describe land lying outside of the settlement boundary of a town or village and not affected by any other allocation or designation for development." If you are in doubt as to whether a site is within or outside of a designated settlement please contact the Flintshire County Council Planning Service.

## 2 - General Background

2.1 - It is a fundamental principle of the Unitary Development Plan and Planning Policy Wales that unnecessary development should not be allowed to take place in the open countryside and plan policies have therefore been developed to steer development to existing towns and villages. The plan policies seek to protect the countryside for its landscape heritage and as a natural habitat, and to retain the best quality agricultural land as a national resource whilst also supporting existing settlements as the principle sustainable location for new residential development. Whilst the planning policies will ensure that the vast majority of residential proposals are delivered within existing settlements there will be exceptions.

2.2 - The Countryside is a place of production and economic activity and planning policies therefore make provision for notable exceptions whereby new housing can be permitted in the open countryside under specified exceptional circumstances. Exceptional circumstances include agriculture and forestry workers dwellings; rural enterprise dwellings; replacement dwellings; infill development; one planet development proposals; and affordable housing. These different types of development are each considered in this Note and in related Planning Guidance: 5 (Rural Conversions) and 9 (Affordable Housing).

## 3 - Policy

3.1 - Planning Policy Wales (2016) sets out the Welsh Assembly Government's national planning policy priorities and objectives. Paragraph 9.2.22 states that "in planning for housing in rural areas it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment. There should be a choice of housing, recognising the housing needs of all, including those in need of affordable or special needs provision. In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled. Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps . . . in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages."

3.2 - In Flintshire, the national policies outlined above are set out at the local level in the County Council's Unitary Development Plan (UDP). This extract from Policy GEN 3 Development outside Settlement Boundaries sets the scene in Flintshire:

"(Residential) Development proposals outside settlement boundaries will not be permitted, except for:

- a. essential worker housing (policy HSG 4);
- b. small scale infill development, comprising one or two housing unit(s) within a clearly identified group of dwellings in the open countryside (policy HSG 5);
- c. conversion, extension, adaptation and re-use of buildings in the open countryside ( See policies HSG 7, RE 4 and RE 5 and Local Planning Guidance Note 5 "Conversion of Rural Buildings");
- d. replacement dwellings (policy HSG 6);
- e. affordable housing exceptions schemes adjoining existing villages (See policy HSG 11 and Local Planning Guidance Note 9 "Affordable Housing" );"

3.3 - The relevant individual policies referred to here are presented in Appendix 1. However in addition to the policy exceptions listed above (criterion a-e) there are two additional exceptions which have been introduced nationally by Technical Advice Note 6 "Planning for Sustainable Rural Communities", the first exception relating to One Planet Developments (OPD) and the second relating to Rural Enterprise Dwellings.

3.4 - It is important to note that there are no local policies within the Unitary Development Plan relating to the exceptional justification for One Planet Development and Rural Enterprise Dwelling proposals in the open countryside. Regardless of the lack of a local context for such developments the Planning Authority will consider granting planning permission for 'bona-fide' proposals where those proposals meet the requirements of related UDP planning policies, Planning Policy Wales, Technical Advice Note 6; TAN6 Practice Guidance "One Planet Development" (October 2012) and/or TAN6 "Planning for Sustainable Rural Communities" (December 2011) for Rural Enterprise Dwellings.

## 4 - Rural Enterprise Dwellings

4.1 - The Flintshire Unitary Development Plan Policy HSG4 “New Dwellings Outside Settlement Boundaries” makes exceptional provisions for new dwellings in the open countryside to house “farm or forestry workers” who must live at or very close to their place of work. However national guidance in the form of Planning Policy Wales and Technical Advice Note 6 together with TAN6 Practice Guidance Note “Rural Enterprise Dwellings” now allows for additional exceptional circumstances over and above farm and forestry workers to include a broader range of rural enterprise workers in appropriate justified circumstances. Whilst Policy HSG4 does not explicitly allow for rural enterprise dwellings Flintshire Planning Service will consider granting planning permission for such developments where the proposals satisfy the requirements of Planning Policy Wales; Technical Advice Note 6 “Planning for Sustainable Rural Communities”; the associated TAN6 Practice Guidance Note “Rural Enterprise Dwellings”; Unitary Development Plan Policies including Policies GEN1 and HSG4; and Supplementary Planning Guidance Note 10 “Housing in the Open Countryside”.

### **Does the Proposal Qualify as a Rural Enterprise Dwelling ?**

4.2 - The first key test in deciding if a proposal falls within the scope of the rural enterprise dwelling category is whether an enterprise is directly related to the management of rural land related businesses, or has a character such that it can only be located in the open countryside, or has very particular reasons for a location in the open countryside rather than in an existing settlement. For dwelling proposals associated with new enterprises, proposals will therefore be subject to a test of locational necessity, as part of the functional test and a requirement to demonstrate that an enterprise cannot be located on an alternative suitable site where residential accommodation is likely to be available.

4.3 - The second test is whether it is essential to the proper functioning of an enterprise for a worker to be housed in close association with it. Proposals will, therefore, be subject to a test of functional justification, which is addressed later within this guidance note.

4.4 - If the proposal fails the above two tests then it will be considered to fall outside of the scope of the rural enterprise dwellings policy and such proposals will normally be refused planning permission. However in the event the two tests are met the proposal must fit within one of the four specific circumstances as set out below.

- To meet the needs of established rural enterprises (including farms) where there is a functional need and a requirement for a full time worker together with a prospect of long term business financial sustainability.
- To enable the transfer of control of farm enterprises to the next generation (this applies only to second or further dwellings on a farm only).
- To meet the needs of additional workers on established farms where there is a functional need, and a requirement for an additional 0.5 or more of a full time worker earning at least 50% of a farm worker’s salary (second or further dwelling on a farm only).
- To meet the needs of new rural enterprises where there is a functional need and a requirement for a full time worker.

4.5 - As dwellings permitted under the Rural Enterprise Dwellings policy will be exceptions to the normal policy of restraint on residential development in the countryside, it is necessary that the detailed justification for such dwellings is examined carefully. In this respect the rural enterprise dwelling policy requires proposals to be tested in a number of ways. There are four additional detailed tests which proposals will have to satisfy, these tests are as follows:

### **Test 1: The Functional Test**

4.6 - The functional test requires that it is demonstrated to be essential for a worker to be readily available at most times, at or in close proximity to the site of need, for an appropriate rural enterprise to function properly.

4.7 - An assessment is made of the employee hours involved over a year (seasonal work alone is unlikely to be a justification), and the extent to which the intended occupant would be needed to provide essential care to animals at short notice or deal quickly with emergencies to prevent serious loss of crops or to protect livestock from theft or injury, although security on its own would not be sufficient justification. The availability of existing accommodation, proximity to existing settlements and how many workers are already living on the enterprise, all form part of the assessment.

### **Test 2: The Time Test**

4.8 - The time test and functional test are two distinct tests but there must be a full time requirement for the worker for which there is a functional need. There are two agricultural exception cases introduced in the new TAN6:

- i. Where there is a functional need and a requirement for an extra 0.5 or more of a full time worker; and
- ii. Where an additional dwelling would facilitate the handover of management of the farm business to a younger farmer.

### **Test 3: The Financial Test**

4.9 - Dwellings will only be permitted when a rural enterprise can be shown to be sustainable, and a financial test is applied to consider the financial soundness of an enterprise and its prospects for a reasonable period of time and the ability of the business to fund the proposal.

4.10 - The rural enterprise must be economically viable, and evidence is required of the size of dwelling which the unit can sustain. It may be necessary to provide basic business accounts or financial projections in support of an application to assist a financial appraisal. Where a new enterprise or major change in the direction of an existing enterprise is being proposed, more detailed accounts will be needed; significant investment in new rural buildings would be a good indication of intent. The following additional information will also be required:

- Applicants will need to demonstrate that there are no existing buildings within the enterprise complex which are capable of conversion into a dwelling. Further advice on conversions is given in “LPGN 5: Conversion of Rural Buildings” which should be read in conjunction with this guidance note.

- The Council will take into account whether any dwellings, or buildings suitable for conversion, have previously been sold on the enterprise, and the reasons for doing so.
- Consideration will be given as to whether there are other dwellings for sale or rent in the locality which may be suitable to fulfil the applicant's requirements.

#### **Test 4: The Alternative Dwelling Test**

4.11 - The needs of an enterprise will be considered in the context of the availability of existing alternative dwelling options to meet the identified functional need, and/or of the scope to reorganize the management of an enterprise such that there is no need for a new dwelling.

#### **Completion of an Enterprise Questionnaire**

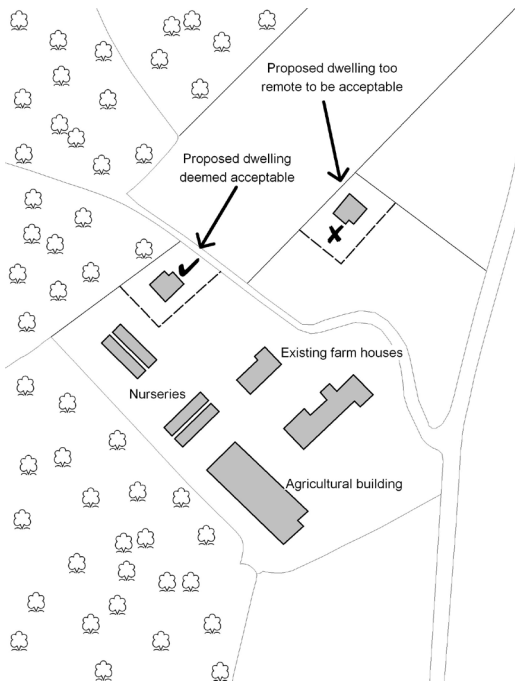
4.12 - The above 4 tests are applicable in all circumstances and all have to be addressed in a manner appropriate to the particular type of application made (See Para's 5.6-5.11). The applicant must complete a questionnaire about the enterprise, which is assessed initially by Planning Services staff. If it then appears that there is no justifiable enterprise dwelling case to consider, the application will be recommended for refusal. Otherwise, the proposals may then be examined further by an independent consultant whose fees are paid half each by the applicant and the County Council.

#### **Detailed Matters for Consideration**

4.13 - When the need for a new dwelling on the spot has been proven, site specific factors have to be considered, as follows:

- **Siting** - The new dwelling should be located in relation to the main complex, other rural buildings and/or natural features such as woodland, and not sited some distance away from the farm complex. The new dwelling should fit into the landscape and not appear as a visually intrusive, isolated dwelling.
- **Design** - Appropriate building materials and design are important to ensure the building relates well to its surroundings, particularly within the Clwydian Range Area of Outstanding Natural Beauty.
- **Size of dwelling** - The size should be related to the functional requirements of the enterprise. An unusually large or extravagant dwelling will not normally be permitted.





**Fig 1 An example of acceptable and unacceptable siting of an enterprise workers' dwelling in relation to the existing complex**

## Temporary permission

4.14 - Where there is uncertainty about the long term viability of the enterprise, the Council may grant temporary permission for up to three years for a caravan or other temporary accommodation in a suitable location. This will allow a further period of assessment of the enterprise's viability and thereby justify a permanent dwelling. It will be the normal approach of the Council in granting permission for the new dwelling to condition the permission requiring the removal of the temporary accommodation within 3 months of the new dwelling being substantially completed. Substantially completed is defined as the habitable areas of the house are sufficiently enclosed by walls, roof and windows to allow safe occupation.

## Planning Permission with Conditions

4.15 - In all cases where permission is granted under this policy for a rural enterprise worker, an occupancy condition will require the occupancy to be restricted to the worker(s) and their dependants, to ensure that it is not subsequently sold on the open market. If a rural enterprise dwelling is not commenced within three years of any outline planning permission, the essential need will be called into question and new up to date evidence of the essential need will be required to be submitted as part of future applications for planning permission (including Section 73 applications). It will also be important to ensure that existing dwellings on the farm are not sold off.

## Deletion of an occupancy condition

4.16 - It is the needs of the holding, not the individual, which are the overriding issue, so personal circumstances are not relevant, nor is the argument that the dwelling is no longer suitable for an agricultural worker. To justify the removal of an occupancy condition, the applicant must show what changes have occurred since the granting of the original permission (at least 5 years previously); prove there is no longer a need for an agricultural worker's dwelling on the enterprise or in the area; and provide documentary evidence that reasonable efforts have been made to let or sell the property at a realistic price (i.e. below full market value) for at least a year with the occupancy condition in place.

## 5 - Replacement dwellings

5.1 - Policy HSG 6 “Replacement Dwellings outside Settlement Boundaries” is quoted in full within Appendix 1. Again, the policy aims to stop the creation of what would in effect be new dwellings in the open countryside. If the property is a temporary structure (eg a Caravan / Mobile Home) or is long-abandoned, and ruinous requiring substantial rebuilding, planning permission will not be granted. On the other hand, where an existing dwelling is habitable but inadequate in terms of size, layout, basic modern facilities or has significant deficiencies such as noise, damp, subsidence, or flooding there can be a justifiable case for replacement with a new dwelling.

5.2 - The replacement of a dwelling which has local architectural and/or historical value will be resisted. In such circumstances the Council will investigate the need in such instances to include the building on the list of Buildings of Local Interest to afford the property protection from demolition. The preferred option in such circumstances where there is a justifiable case for replacement of the dwelling will be to explore alternative options to retain the existing dwelling through refurbishment, adaptation and/or extension.

5.3 - When assessing proposals for new replacement dwellings the key considerations will be to the need to consider the size and characteristics of the plot; the size and character of houses in the locality; and the size of the existing dwelling to be replaced. The replacement dwelling should not be significantly larger than the original and an increase in floorspace of greater than 50% will generally not be accepted. This 50% guide will not be treated as an absolute limit nor a development target rather such floorspace increases need to be sensitive and justified on a case by case basis.

5.4 - Replacement dwellings will normally be expected to be sited on the footprint of the existing dwelling. However in those exceptional circumstances where there are unacceptable environmental considerations including flooding, subsidence, noise, or other nuisance then resiting the property to an appropriate nearby location can be appropriate. Indeed where there are identified environmental gains from resiting the replacement dwelling such as protection of trees and/or habitats and wildlife, or reducing the intrusiveness of the dwelling within the landscape then resiting can be an appropriate option. However where a resited replacement dwelling is approved then conditions will be attached as standard to ensure the demolition of the original dwelling.

5.5 - The replacement of properties that have been used as holiday accommodation or other temporary uses will not be permitted, because the policy is about replacing an existing residential unit, not increasing the number of units.

## 6 - Infill housing

6.1 - Infill housing provides the opportunity for small scale development in rural areas to meet identified local housing needs. Policy HSG 5 (see Appendix 1) describes the limited situations where infill housing might be allowed in the open countryside. Infill housing development must satisfy the locational and site criteria as described in HSG5 and as illustrated in part by Fig 2 below. Underpinning any proposal for infill housing development must be evidenced demonstrating to the satisfaction of the Authority that an appropriate local housing need exists that can be satisfied by the proposed development.

### **What is Infill Housing ?**

6.2 - An infill development within an existing group of houses must form a continuous built up frontage and/or focus of dwellings for example a crossroads and should comprise six or more dwellings. There

must be a reasonable and coherent group of houses and also an identifiable pattern of development which affords an opportunity for infill. A group of houses must not be interspersed by individual field parcels. Similarly an infill housing plot is defined as a small gap capable of accommodating a single housing unit or two semi detached units where this is the prevailing house type in the group or frontage, within a continuous line of built up frontages. Normal planning and landscape considerations should apply; for instance, the new housing should be of a comparable scale, character and size to the surrounding properties. A plot at the end of a line of dwellings is not an infill plot, but an extension; a plot in a loose scatter of buildings is further sporadic development, not infill.

**Fig 2 Infill development – Examples of acceptable and unacceptable locations**



Note: The acceptable locations would still have to be acceptable in relation to other normal planning considerations

6.3 - In order that the proposed infill dwelling may be properly assessed in relation to its surroundings, a full planning application should be submitted or an outline application containing details of siting, access, scale, design and materials. In conservation areas and sites close to listed buildings, the Local Planning Authority will encourage the submission of full planning applications to ensure any associated adverse impacts of the development are: identified; assessed; where possible that the development proposal is improved through amendments; and where necessary and appropriate adverse impacts are mitigated.

### What is Local Housing Need ?

6.4 - Local Housing Need is defined within the Unitary Development Plan (page 161) and there are two recognised types of local housing need, as follows:

- a. Key workers who need to live within a particular locality such as farm, fisheries and forestry workers who currently live too far away as to be practical for their employment (eg animal husbandry); and
- b. Low income households lacking their own housing, or living in housing which is inadequate or unsuitable, who are financially unable to provide for their own needs in the housing market without assistance.

6.5 - Given the two different types of Local Housing Need it will be important for applicants to ensure that their proposals are appropriately contextualised by identifying up front the type of local housing need they are seeking to address. This can be done in the description of development and within supporting documentation such as the Covering Letter, Access and Design Statement and perhaps most importantly within the applicant’s supporting statement seeking to demonstrate Local Housing Need.

## Local Housing Need - Key Workers

6.6 - For applicants seeking to demonstrate local housing need on the basis that they are a key worker sufficient evidence must be provided to demonstrate the need for that worker to live in that specific locality and that the type of work justifies the need to be closely located to their workplace. In the context of Local Housing Need “key workers” can include a broader range of workers than “rural enterprise workers”. However in all cases it must be demonstrated to the satisfaction of the Planning Authority that the intended user of the proposed residential development needs to live within the locality and there are no suitably appropriate alternatives such as the purchase of an existing home within the locality where the need has been demonstrated.

6.7 - The evidence that would normally be required to support a new ‘worker dwelling’ should address the following points:

- Details of the household to occupy the dwelling including their current home address; the ownership status of their current home; the household worker’s length of time at that address; the current workplace and length of time at that workplace; and the nature/function/type of the workplace.
- Local links with the locality of the proposed development and proximity of locality to workplace eg family ties, place of employment.
- Reasoning as to why it is essential that they live close to work and the reasoning for choosing that locality; and reasoning for proposing a new build as opposed to purchasing an existing home within the locality.

## Local Housing Need - Affordable Housing Needs

6.8 - For applicants seeking to demonstrate affordable housing need sufficient evidence will be required to demonstrate that there is an affordable housing need within that specific locality. In all cases it must be demonstrated to the satisfaction of the Local Planning Authority that the intended occupant of the proposed development has local linkages within the community. These local links are primarily working in the community and/or living within the community for at least the last five years. Other local links can include family ties to the locality. However in all instances it must be demonstrated that the applicant lacks sufficient income and house equity to allow them to gain a home within that locality through normal unsubsidised methods.

6.9 - The evidence that would normally be required to support affordable home proposals should address the following points:

- Details of the household which will occupy the affordable housing including their current home address; the ownership status of their current home; the reason why their home is inadequate; and length of time at that home address.
- Local links with the locality the proposal is made within and proximity of locality to workplace.
- Reasoning as to why that locality has been chosen; and reasoning for proposing a new build as opposed to purchasing an existing home within the locality.

6.10 - In addition to the above, applicants should complete an Application for Affordable Home Ownership. Forms can be obtained from the Housing Strategy Unit. This information will be held in confidence and will not be available for public view. The application form will be assessed by a Registered Social Landlord and the Housing Strategy Unit to identify whether the individuals are in affordable housing need. The findings of this process will influence the Planning Authority as part of the planning application consultation. This information will reveal whether the development would contribute to meeting an affordable housing need given the known level of affordability for the applicant and the availability and cost of homes currently on the market.

## **Local Housing Need - Securing Community Benefits**

6.11 - In permitting either workers' dwellings or affordable housing the Local Planning Authority need to ensure that conditions are applied and legal agreements signed to ensure that any local needs housing delivered is retained for as long as required by the community.

6.12 - In the case of proposals seeking to meet affordable housing needs there will be a need for planning conditions restricting the development to affordable homes only. In addition a legal agreement would have to be secured to control the future resale of the property at an appropriate affordable price and to ensure that the property was only occupied by households in affordable housing need. In drafting the legal agreement it would be an important consideration to ensure that sequential preference be given firstly to:

- those individuals in affordable housing need with local links to the community where the property is located;
- with lesser preference given to individuals from surrounding community areas;
- and finally preference from individuals from elsewhere within the County.

If it were ever to transpire that no households could be identified that met any of the above requirements then it would be important to consider whether the property was required to meet housing needs, but this would have to be the matter of a new planning application for variation of planning condition and the extinguishment of the legal agreement.

## **7 - Rural Exceptions Schemes - Affordable Housing**

7.1 - Policy HSG 11 Affordable Housing in Rural Areas seeks to facilitate the provision of affordable housing in rural areas where there is a demonstrated housing need, as an exception to normal planning controls over new housing development. It is important to note that Policy HSG11 does not apply to proposals for individual self-build units.

7.2 - Guidance on such rural affordable housing / rural exceptions schemes is provided separately in Supplementary Planning Guidance Note 9: Affordable Housing which is available on Flintshire County Council's website.

## 8 - One Planet Developments

8.1 - Technical Advice Note 6 (July 2010) defines One Planet Development as “development that through its low impact either enhances or does not significantly diminish environmental quality. One Planet Developments should initially achieve an ecological footprint of 2.4 global hectares per person or less in terms of consumption and demonstrate clear potential to move towards 1.88 global hectares over time.” One Planet Development Proposals will be assessed in accordance the TAN6 definition and the OPD Practice Guidance (October 2012) to ensure compliance with the national approach.

8.2 - The salient requirements of One Planet Developments are bulleted beneath paragraph 4.3 below, however Flintshire County Council have prepared a separate Advice Note which will set out in detail the requirements of One Planet proposals and associated planning applications.

8.3 - One Planet Developments located in the open countryside should, over a reasonable length of time (no more than 5 years), provide for the minimum needs of the inhabitants in terms of income, food, energy and waste assimilation. Where this cannot be demonstrated, proposals will be considered against policies which seek to control development in the open countryside. All One Planet Housing Developments in the open countryside need to be supported by robust evidence and it will be important that:

- Pre-application engagement and discussion with the Planning Authority takes place to discuss emerging proposals; the required evidence base to support a formal planning application; and the policy basis that will inform the eventual determination of the application.
- A management plan and associated supporting evidence is prepared by appropriate competent person(s) (TAN6: 4.16.1) which successfully provides the necessary evidence demonstrating that the proposal meets the exceptional nature of the One Planet Development in the Open Countryside, including the following:
  - » Business and Improvement plan to identify whether there is a need to live on the site and establish the level of the inhabitants’ requirements in terms of income, food energy and waste assimilation that can be obtained directly from the site (TAN6: See paragraph 4.17.1);
  - » Ecological footprint analysis of the development (TAN6: See paragraph 4.18.1);
  - » Carbon analysis of the development (TAN6: See paragraphs 4.19.1 - 4.19.2);
  - » Biodiversity and landscape assessment (TAN6: See paragraph 4.20.1);
  - » Community impact assessment to identify potential impacts on the host community (both positive and negative) and provide a basis to identify and implement any mitigation measures that may be necessary (TAN6: See paragraph 4.21.1 );
  - » Transport assessment and travel plan to identify the transport needs of the inhabitants and propose sustainable travel solutions. (TAN6: See paragraph 4.22.1).

8.4 - Where planning applications for One Planet Developments located in the open countryside are not accompanied by the information identified in TAN6 and within Technical Advice Note 6 Practice Guidance “One Planet Development”, the planning authority will seek the necessary information from the applicant. Should this not be provided the application will be refused on the grounds of inadequate information and lack of proper justification for the scheme.

## 9 - Garden Extensions in the Countryside

9.1 - Planning permission is required to extend the garden of a dwelling onto land which is used for another purpose as this is a change of use. By enlarging residential gardens, changing plot boundaries and introducing domestic paraphernalia to land which was previously in use for agricultural or forestry, garden extensions can have a significant visual impact, resulting over time in new buildings (eg sheds & garages) and hardstandings where previously there was open landscape.

9.2 - Paragraph 4.10 of the UDP Written Statement (Page 18) states that:

“Development... including extensions of residential gardens into the countryside will not normally be permitted due to the detrimental impacts that they may have on the character of the countryside. Where permission is granted for small extensions Permitted Development Rights will be removed in order to avoid the introduction of urban forms of development such as garages and house extensions in the rural landscape.”

9.3 - The normal approach therefore will be to resist garden extensions into the countryside and in those few instances where exceptional circumstances exist (for example where road safety would be enhanced by the proposal), permission may be granted for small garden extensions but permitted development rights may be removed in order to stop the introduction of new structures such as sheds, garages, greenhouses and house extensions into the rural landscape. In such exceptional circumstances the amended garden boundary should follow a physical boundary which is sympathetic to the character and appearance of the landscape, such as a hedgerow.

# Appendix 1: Flintshire Unitary Development Plan Policies

## GEN3 Development in the Open Countryside

Development proposals outside settlement boundaries, allocations, Development Zones and Principal Employment Areas will not be permitted, except for:

- a. essential worker housing (policy HSG4);
- b. small scale infill development, comprising one or two housing unit(s) within a clearly identified group of dwellings (policy HSG5);
- c. conversion, extension, adaptation and re-use of buildings (policies HSG7, RE4, & RE5);
- d. replacement dwellings (policy HSG6);
- e. affordable housing exceptions schemes adjoining existing villages (policy HSG11);
- f. small scale rural enterprise exception schemes adjoining existing settlement boundaries (RE4 and RE5);
- g. development related to agriculture, minerals extraction, rural diversification, tourism, leisure and recreation, and existing educational and institutional establishments, provided there is no unacceptable impact on the social, natural and built environment;
- h. essential works associated with statutory undertakers subject to the appropriate environmental considerations.;
- i. the expansion of existing employment development (EM5); and
- j. other development which is appropriate to the open countryside and where it is essential to have an open countryside location rather than being sited elsewhere.

## HSG4 New Dwellings Outside Settlement Boundaries

New dwellings outside settlement boundaries will only be permitted where it is essential to house a farm or forestry worker who must live at or very close to their place of work and not in a nearby dwelling or settlement, provided that:

- a. the proposal is accompanied by an appropriately completed questionnaire, which will be the subject of an independent assessment of the functional and financial need for the dwelling in relation to the enterprise;
- b. the need cannot be met through the economic conversion and reuse of existing buildings on site;
- c. there has been no prior disposal of a dwelling or existing building suitable for conversion on the farm unit which could have been used to meet this need;



- d. the dwelling is sited so as to relate to buildings on the existing farm or forestry complex and that its design, scale, and appearance takes into consideration the landscape setting of the surrounding area; and
- e. the size, floorspace and type of proposed dwelling should be appropriate to that which the farm/forestry enterprise can sustain.

An occupancy condition will be imposed on the new dwelling, and the time period for an outline permission will be limited to two years, with approval of reserved matters required within two years and commencement within three years of the decision date.

Where other dwellings exist within a farm or forestry complex, the Council may seek to utilise legal agreements to control their occupancy.

Dwellings permitted as part of new farm or forestry enterprises where the case is not completely proven will, for a period of three years (or until the enterprise is fully established), be required to be of a temporary construction, and removed from site if the enterprise ceases.

### **HSG5 Limited Infill Development Outside Settlement Boundaries**

Outside settlement boundaries infill development for one or two housing unit(s) may be permitted, provided that the proposal is to meet a proven local housing need and:

- a. comprises a small gap which is not an important landscape, nature conservation, historic or other amenity feature within a clearly identifiable small group of houses within a continuously developed frontage;
- b. does not constitute, or extend existing, ribbon development which would be detrimental to the character and appearance of open countryside, and does not create fragmented development; and
- c. respects adjacent properties and the surrounding area in terms of its siting, form, design and scale, and does not represent overdevelopment of the site.

### **HSG6 Replacement Dwellings Outside Settlement Boundaries**

The replacement of a dwelling outside settlement boundaries will only be permitted if:

- a. the existing building has lawful use rights as a dwelling;
- b. the existing dwelling is habitable or capable of being made habitable without works which are tantamount to the construction of a new dwelling;
- c. the existing dwelling does not have significant local historical or architectural interest;
- d. the new dwelling is of a similar scale to that which it is intended to replace, and should reflect the character and traditional building style of the locality in terms of its siting, design, form, and the materials used; and

- e. the replacement dwelling should be located on the site of the existing dwelling. Exceptionally, an alternative location will be considered, where this is within the existing curtilage or if impractical due to physical conditions or environmental constraints on site, nearby, subject to bringing about an overall environmental improvement to both the existing and proposed site.

## **HSG11 Affordable Housing in Rural Areas**

Outside village settlement boundaries, proposals to develop affordable housing in rural areas will only be permitted, where:

- a. there is evidence of genuine local need for such provision;
- b. there are no suitable alternative sites or properties within settlement boundaries to meet the need;
- c. schemes abut settlement boundaries and form logical extensions to settlements, avoiding ribbon and fragmented development and incorporating suitable boundary treatment and landscaping measures;
- d. the scale, design, and layout of the proposed development are sympathetic and appropriate to the size and character of the settlement and its landscape setting, and reflects the scale of need identified; and
- e. houses will remain affordable in perpetuity for those in need, managed by a housing association, the County Council, a bona fide trust or similar organisation.

Appendix 2

Supplementary Planning Guidance Note (SPGN) Public Consultation, (Dec 18th 2015 and Feb 12<sup>th</sup> 2016) comments and responses to SPGN No 10 New Housing in the Open Countryside.

Commenting Body / Individual	Comment	Response	Recommendation
<b>No. 10 New Housing in Open Countryside</b>			
Clwydian Range and Dee Valley AONB JAC	The broad thrust of the guidance is fully supported but the committee would suggest that the nationally recognised and protected status of the AONB should be given more prominence in the document. The reference to good design and careful selection of materials in the AONB (para 4.13) is particularly welcomed. However, the committee would suggest that the special status of the AONB should be referenced in the introductory and background sections of the document and the policy framework relating to the AONB (Policy L.2) cross-referenced in section 3.	It is not considered necessary for the AONB to be specifically mentioned in the introductory sections of the Note as there would be calls for other important resources to be mentioned as well. Section 3 of the Note sets out those policies directly relevant to the subject matter of the Note. Calls could also be made for other Plan policies relating to biodiversity, built environment etc and the Note would lose focus.	No change
Huw Evans Planning	Paragraph 5.3 deals refers to the 50% rule as a general limit on the size of a replacement dwelling. Experience shows that this is more often than not used by those with a regulatory mindset as a reason to refuse without having due regard to site context and the character of the area. It would be much better to use the very positive tool of the design and access statement to assess the appropriateness of a	It is accepted that the use of the '50% rule' is intended to be a guideline only and indeed, para 5.3 states 'This 50% guide will not be treated as an absolute limit nor a development target rather such floorspace increases need to be sensitive and justified on a case by case basis'. The key considerations to be applied in assessing a replacement dwelling are those set out in	No change

	<p>proposal. Regrettably as long as boxes are ticked the DAS is given little attention and thereby the opportunity to critically look at the positives (or otherwise) of a scheme is lost.</p>	<p>the first sentence of para 5.3 ‘...the key considerations will be to the need to consider the size and characteristics of the plot; the size and character of houses in the locality; and the size of the existing dwelling to be replaced’. The comments about the benefits of Design and Access statements are noted as in many cases they do not properly set out the design approach or parameters for the proposal’. It is not considered that further guidance in the SPG is necessary.</p>	
<p>Huw Evans Planning</p>	<p>With regard to infill housing it would assist in the supply of local needs affordable opportunities if the example situations illustrated in 6.2 were not so tight and prescriptive. There are many clusters of dwellings which are more loosely formed which could accommodate self build affordable dwellings without detrimental impact on the character of the area and without prejudice to the objectives and policies of the Plan. These could either be 100% affordable or, if the authority is serious about meeting the affordable need, on a 50/50 basis with open market housing.</p>	<p>The illustrations are intended to reflect the policy approach adopted in the UDP by seeking to illustrate clear examples where infill development would be acceptable in the context of not causing harm to open countryside. The acceptability of each proposal will be considered against the policy criteria and the guidance in the SPG. Wherever possible, a flexible can and is taken provided that the new dwelling does not harm the character and appearance of the site and surroundings. Such a flexible approach also ensures that genuine housing to meet proven local needs can be provided in rural areas. The policy generally allows for single dwellings, or semi-detached where this is the predominant house type and it is therefore not clear how the policy generally could be relaxed to allow for 50/50 affordable and market housing. This is a policy matter that would be more appropriately addressed as part of the preparation of the LDP.</p>	<p>No change</p>

CPRW	Para 1.1 which recognises that there are no policies in the UDP dealing with 'Rural Enterprise Dwellings' and 'One Planet Developments) should have a cross reference to para 3.4 which deals with the absence of these policies in the UDP. This would prevent confusion to the reader.	The SPG is considered to be quite clear in that para 1.1 provides the UDP policy context for the subject matter of the SPG. Para 3.4 then explains that since the UDP was adopted new guidance has been issued by PPW and this is now addressed in the SPG. Cross referencing is not considered to be necessary.	No change
CPRW	Para 4.14 makes reference to a period of 3 months in which to remove temporary accommodation from a site. This is considered to be excessive and should be reduced to 1 month, in the interest of restoring visual amenity	A period of 3 months to remove temporary accommodation is considered to be reasonable. In certain circumstances a period of 1 month only would not be sufficient or reasonable.	No change