

Supplementary Planning Guidance Note

New Housing in the Open Countryside

Adopted 15.10.2024

1. Purpose

- 1.1 The Council has set out in its Local Development Plan (LDP) an intention to prepare a series of Supplementary Planning Guidance Notes (SPG). The purpose of each SPG is to:
- assist the preparation of planning proposals and guide pre-application discussions,
 - guide officers in handling, and officers and councillors in deciding, planning applications,
 - assist Inspectors in the determination of appeals,
 - improve the quality of new development,
 - facilitate a consistent and transparent approach to decision making.

2. The LDP and the need for SPG

- 2.1 The Welsh Government Development Management Manual advises in para 9.1.2 that 'Applications for planning permission must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. The Flintshire LDP was adopted on 24th January 2023 and forms the basis for decision making alongside Future Wales: The National Plan. However, the LDP cannot provide all the detailed advice needed to guide development proposals. Therefore, SPG's can support the LDP by providing more detailed guidance on a range of topics and issues to help the interpretation and implementation of certain policies and proposals. The Development Plans Manual Edition 3 advises that 'Supplementary Planning Guidance (SPG) can be taken into account as a material planning consideration provided it is derived from and is consistent with the adopted development plan and has itself been the subject of consultation, which will carry more weight'. The intention of SPG's is not to set out 'policy' as that is the role of the LDP, but to provide more detailed advice and guidance which expands on a particular policy or allocation in the LDP.

3. Status / Preparation Process

- 3.1 The Council indicated in its Delivery Agreement (DA) for the LDP that it intends to prepare SPG. The DA explained that the Council will consult on any draft SPG and, following consideration of representations, and any necessary amendments, seek formal adoption. This approach accords with Welsh Government advice in Development Plans Manual (Edition 3).
- 3.2 This SPG was consulted on for a 6-week period commencing on 01/12/23 and ending on 26/01/24. Representations and responses, together with any amendments to the draft document were considered by Cabinet at its meeting on 15/10/2024 who resolved to adopt this SPG. Consultation comments, responses and any amendments are set out in Appendix 2. This document should therefore be afforded considerable weight as a material planning consideration.

4. Introduction

- 4.1 This SPG 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 LDP including the umbrella policy PC1 'The Relationship of Development to Settlement Boundaries' and more specifically policy HN4 'Housing in the Countryside'; policy HN4-A 'Replacement Dwellings'; and policy HN4-C 'Infill Development in Groups of Houses'. These policies are listed in full within Appendix 1. Please note that guidance in respect of residential conversions of rural buildings (HN4-B) and affordable housing exceptions schemes (HN4-D) is set out in separate SPGs. Applicants are encouraged to seek advice as part of the Pre-Application Planning Advice service with the Planning department before making any planning applications. The Pre-Application Planning Advice service will identify relevant policies, guidance and technical standards; confirm what information will be required for the planning application; identify any issues and how these may be overcome and give an indication of the means and timescale for determining the application.
- 4.2 In using this SPG please note that open countryside is defined in policy PC1 as land lying outside defined settlement boundaries. Settlement boundaries are identified on the LDP proposals maps.

5. National and Local Planning Policy

- 5.1 A fundamental principle of the LDP and Planning Policy Wales is that new development in open countryside should be strictly controlled. The plan seeks through STR2 to direct new development to existing settlements but recognises that there are particular types of housing in open countryside which may be permitted, and these are set out in this, and accompanying SPGs.
- 5.2 LDP Policy HN4 Housing in the Countryside sets out briefly the types of housing permitted in open countryside:

HN4: Housing in the Countryside

Proposals for housing development outside defined settlement boundaries will only be permitted where:

- a. it is for the purposes of agriculture, forestry or other rural enterprise as defined in TAN6,
- b. it involves the replacement of an existing dwelling (see policy HN4-A), or
- c. it involves the subdivision of an existing dwelling, provided the dwelling is capable of subdivision without major extensions tantamount to the erection of an additional dwelling or dwellings, or
- d. it involves the conversion of an existing non-residential building (see policy HN4-B), or
- e. it involves sensitive infill development within an appropriate group of dwellings in the countryside (see policy HN4-C)

f. it is for affordable housing rural exception sites on land adjoining the settlement limits (see policy HN4-D), or

g. it is for a One Planet Development as defined in TAN6.

5.3 It is important to stress that this policy in the LDP should not be read in isolation but that the LDP policies should be read as a whole. There are a range of policies which may be applicable to new housing proposals in the open countryside, depending on the location and specifics of each proposal. However, there are a number of key policies applicable to most development proposals and these include:

- PC2 General Requirements for Development
- PC3 Design
- PC4 Sustainability and Resilience of New Development
- PC5 Transport and Accessibility

6. a) Rural Enterprise Dwellings

6.1 Criteria a of HN4 references that new dwellings for the purposes of agriculture, forestry or other rural enterprises will be permitted as defined in TAN6. Given that there is comprehensive guidance in paragraphs 4.2.37 - 38 of PPW12 and in TAN6 Planning for Sustainable Rural Communities, it is not considered necessary for the Plan to repeat this in a specific detailed policy. Similarly, this section of the SPG provides only an overview of the guidance on this form of development, with the relevant sections of TAN6 which can be found at <https://gov.wales/technical-advice-note-tan-6-planning-sustainable-rural-communities>. Applicants must read this SPG alongside the more detailed advice in TAN6.

Does the Proposal Qualify as a Rural Enterprise Dwelling?

6.2 An exception to the normal strict controls on new dwellings in the countryside, is when accommodation is required to enable a rural enterprise worker to live at or close to their place of work. This is based on the needs of the rural enterprise and not on the personal preference or circumstances of the person concerned. Applications for such forms of development must be fully supported by robust evidence to enable the LPA to fully assess it. It will be necessary to determine if a proposal falls within the scope of the rural enterprise dwelling policy i.e. 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. TAN6 provides the following clarification ‘...qualifying rural enterprises comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting), tourism and leisure enterprises.

6.3 TAN6 identifies the following types of rural enterprise dwellings:

- To meet the needs of established rural enterprises (including farms) where there is a functional need for a full-time worker and the business case identifies a prospect of long term business financial sustainability.
- To enable the transfer of control of financially stable farm enterprises to the next generation.
- To meet the need for additional workers on established financially sustainable farms where there is a functional need for a further 0.5 or more of a full time worker earning at least 50% of a farm worker's salary, and
- To meet the needs of a new rural enterprise where there is a functional need and a requirement for a full-time worker.

6.4 TAN6 sets out detailed guidance on 'new dwellings on established rural enterprises' in section 4.4, 'second dwellings on established farms' in section 4.5 and 'new dwellings on new enterprises' in section 4.6 and this guidance is not repeated here.

6.5 As dwellings permitted under the Rural Enterprise Dwellings policy will be exceptions to the normal policy of controlling 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 against four key tests as follows:

Test 1: The Functional Test

6.6 The functional test requires that it is demonstrated to be essential for a worker to be readily available at most times, at or near the site of need, for an appropriate rural enterprise to function properly. It should relate to unexpected situations that may arise e.g., the extent to which the intended occupant would be needed on hand outside of normal working hours 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.

Test 2: The Time Test

6.7 Where a functional requirement has been established, it will be necessary to consider the number of workers required to meet it. This will take into the scope and nature of the enterprise and will normally be for a full-time worker.

Test 3: The Financial Test

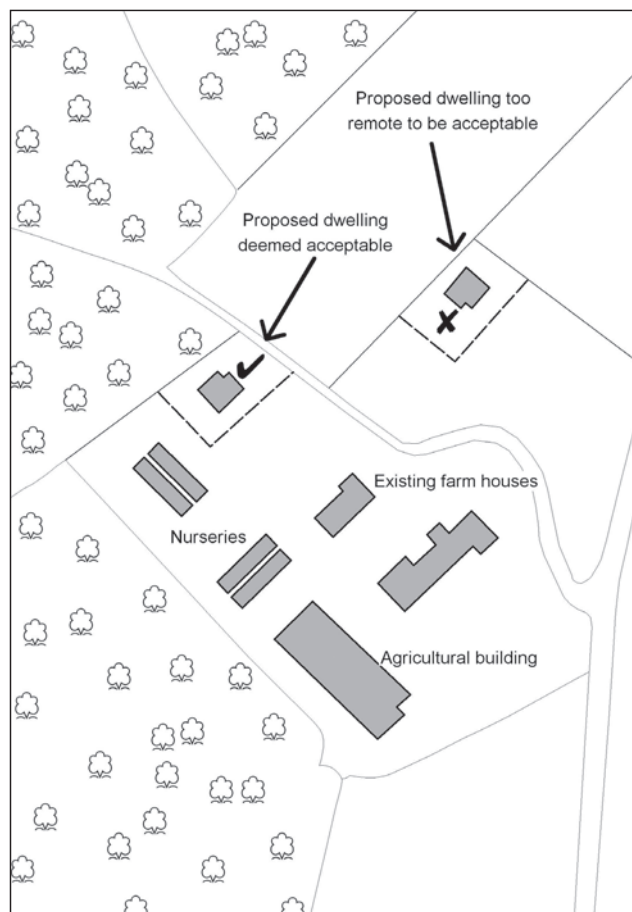
6.8 Dwellings will only be permitted when a rural enterprise can be shown to be financially sound and has good prospects for a reasonable period of time. Evidence of actual and / or potential financial performance will be required to establish whether the enterprise has a reasonable prospect of providing a reasonable market return for its operators, for at least 5 years from the anticipated completion of the proposed development.

- 6.9 It is also necessary to assess the size of dwelling which the enterprise can afford to build and maintain. Dwellings which are unusually large in relation to the needs of the enterprise or unusually expensive to construct in relation to the income it can sustain in the long term, will not be acceptable. It is the requirement of the enterprise not the occupier which is relevant to determining the appropriate size of a dwelling.
- 6.10 In some cases, it may be necessary to consider removing permitted development rights for development within the curtilage of the dwelling. Extensions to the dwelling could lead to it being of a size exceeding what was justified by the functional requirement, and also affect the continued use of the dwelling being available for its intended use, given the income that the rural enterprise can sustain.

Test 4: The Other Dwelling Test

- 6.11 The needs of an enterprise will be considered in terms of the availability of an existing dwelling or a building suitable for conversion. If there is an existing dwelling or a building suitable for conversion, it will need to be shown by the applicant why these cannot be used to meet the needs of the enterprise for a new dwelling. It may also be necessary to investigate the history of the enterprise and whether existing dwellings or buildings have been recently sold. 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.

Other Planning Requirements Test



6.12 When the need for a new dwelling has been proven, it will still be necessary for the proposed dwelling to satisfy usual planning requirements. Site specific factors must be considered, as follows:

- **Siting** - The location of the new dwelling should be closely related to the activities for which the need arises. In most cases this will mean the new dwelling being part of the main complex of buildings, although other natural landscape features may have bearing on this. Dwellings should not be isolated from the farm complex or in locations that could encourage farm fragmentation. The new dwelling should fit into the landscape and not appear as visually intrusive, isolated dwelling.

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

- **Design** - Appropriate building materials and design measures are important to ensure the building relates well to existing buildings and its surroundings.
- **Size of dwelling** - The size should be related to the functional requirements of the enterprise and should be of a scale and form which respects the site and its surroundings.
- **Sustainability** - Given the remote location of some rural enterprises there may be opportunities to incorporate onsite renewable energy generation and storage technology. Measures to conserve and recycle water may also help minimise the environmental effects of new dwellings.

6.13 Proposed dwellings either within or close to the Clwydian Range and Dee Valley AONB will need to satisfy the requirements of policy EN5 i.e. whether it conserves or enhances the natural beauty of the AONB, its setting and policy EN18 in terms of minimising light pollution. Regard should be had to the AONB SPG which sets out the special qualities, issues and design considerations relevant to the AONB and the Dark Skies SPG which provides clear advice in relation to lighting in the AONB. NRW have produced some online resources which support the character and qualities of the AONB. These can be accessed at naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/evidence-to-inform-development-planning/landmap-the-welsh-landscape-baseline/?lang=en and lucmaps.co.uk/NRWDarkSkies/

Completion of a Rural Enterprise Dwelling Appraisal

6.14 A planning application for a rural enterprise dwelling must be accompanied by an appraisal, containing robust evidence to justify the proposed dwelling. The appraisal should address the functional, time, financial and other dwellings tests as well as the 'Other planning requirements' test. The appraisal will be assessed initially by Planning Officers, but the LPA may, in some cases, seek an independent assessment by a specialist consultant whose fees are paid half each by the applicant and the County Council. If an applicant fails to include an appraisal as part of a planning application, or it lacks sufficient detail, then the LPA would be entitled to refuse the application on the basis of lack of proper justification for the dwelling.

Temporary permission

6.15 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 justification for a permanent dwelling. In such circumstances, the grant of planning permission for a permanent dwelling would be conditioned to ensure the removal of the temporary accommodation within 3 months of completion of the permanent dwelling.

Occupancy Conditions

- 6.16 Where permission is granted under this policy for a rural enterprise dwelling, it will be necessary to ensure that the dwelling is kept available for meeting that purpose. An occupancy condition is designed to ensure that a dwelling is kept available to meet the needs of other local rural enterprises, if no longer needed by the original business. If not, consideration can be given to its use as affordable housing. If that is not appropriate, then it could be occupied by any resident dependants. Further guidance on condition is contained in TAN6.

Removal of an occupancy condition

- 6.17 It is the needs of the business, not the individual, which is 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 workers' 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.

7. b) Replacement Dwellings

- 7.1 Policy HN4-A aims to establish the circumstances in which replacement dwellings will be permitted in the open countryside:
- the existing dwelling should be habitable in its present state, but perhaps is inadequate in terms of size, layout, basic modern facilities or has significant deficiencies such as noise, damp, subsidence, or flooding.
 - A long abandoned, demolished or ruined building or a temporary structure such as a caravan or mobile home does not fall within the remit of this guidance as it could represent what would in effect be a new dwelling in open countryside. The building should have lawful use rights as a dwelling.
 - In cases where the existing dwelling has local architectural and/or historical value the preference will be to explore alternative options to retain the existing dwelling through refurbishment, adaptation and/or extension. Where considered appropriate and necessary there may be a requirement for a pre-determination archaeological assessment (in accordance with TAN24). Depending on the findings consideration will be given to adding buildings of merit to the Buildings of Local Interest list or referring buildings to CADW for potential listing.
- 7.2 The proposed replacement dwelling will need to respect the size and characteristics of the existing house, the plot, and other houses in the locality. The replacement dwelling should not be significantly larger than the original and an increase in floorspace of greater than 50% will need to be the subject of particular scrutiny. This should not be treated as an absolute limit nor a development target, rather any floorspace increases need to be

sensitive to meeting reasonable living standards and needs whilst ensuring that the replacement dwelling does not harm the character and appearance of the locality.

- The replacement dwelling should normally be sited on the footprint of the existing dwelling. However, there may be exceptional circumstances where a re-siting of the dwelling is justified either, where there are unacceptable environmental considerations including flooding, subsidence, noise, or other nuisance or there are identified environmental gains such as protection of trees and/or habitats and wildlife, or reducing the intrusiveness of the dwelling within the landscape. In cases involving re-siting a condition will be attached to ensure the demolition of the original dwelling. In cases where flood risk is present, the replacement dwelling should bring about flood risk betterment including the provision of a flood resilient design.
- The extension to a residential curtilage will be resisted, unless it is unavoidable having regard to the re-siting of a dwelling in the specific circumstances outlined above.

Any such extension should be the minimum required to offer adequate living standards and should be appropriately landscaped.

Other considerations include:

- The removal of any unattractive outbuildings will be acceptable, but this should not be seen as justifying a larger replacement dwelling.
- The replacement of properties that have been used as holiday accommodation or other temporary uses, unless it is a former dwellinghouse that is capable of reverting back to residential use, will not be permitted, as this would be tantamount to the erection of a new dwellinghouse in the countryside.
- A permission for a replacement dwelling may be subject to a condition removing permitted development rights.

8. c) Sub-Division of an Existing Dwelling

8.1 Occasionally an existing house in open countryside may present an opportunity to be subdivided into two or more housing units. On the one hand this can represent a more efficient use of an existing dwelling but on the other hand it could result in planning harm. The following considerations should be borne in mind in considering such proposals:

- The dwelling should be capable of subdivision without extensions tantamount to the erection of an additional dwelling(s)
- The subdivision should retain the character, appearance and features of the existing dwelling
- The subdivision should not harm the living standards of the occupants of either the existing dwelling or additional units(s)
- The adequacy of existing vehicular access and parking provision and the acceptability of new access / parking in terms of highway safety and visual impact
- The adequacy of existing garden area to serve additional dwelling(s) - guidance on garden extensions is provided below.

- 8.2 The sub-division should be capable of being undertaken in a manner which does not result in harm to the character and appearance of the existing house, site and locality and highway safety. Any such permission may be granted subject to a condition removing permitted development rights.

9. d) Conversion of an Existing Building

- 9.1 The residential conversion of existing buildings is contained in policy HN4-B 'Residential Conversion of Rural Buildings' and guidance on this type of development is set out in a separate SPG.

10.e) Infill housing

- 10.1 Policy HN4-C (see Appendix 2) sets out the specific situations where infill housing will be allowed in the open countryside. Infill housing development must satisfy the locational and site criteria and must meet a proven local housing need.

What is Infill Housing?

- 10.2 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 an identifiable and coherent group of houses and an identifiable pattern of development which affords an opportunity for an infill plot.
 - A group of houses must not be interspersed by individual field parcels.
 - An infill housing plot should be a small gap capable of accommodating a single dwelling or two semi-detached dwellings where this the prevailing house type in the group or frontage.
 - A plot at the end of a line of dwellings is not an infill plot, as it represents an extension to built development whilst a plot in a loose or sporadic pattern of buildings represents further intensification of that sporadic development. Such forms of development would cause planning harm to open countryside.
 - An infill plot should not represent an important landscape, nature conservation, historic or other amenity feature which should be retained.
 - Normal planning considerations should apply to infill dwellings in terms of securing adequate space about dwellings and private amenity space in order to secure adequate living standards for the occupants of the proposed dwelling and existing dwellings.
 - A new dwelling should be of a scale, character and form which respects the plot and surrounding dwellings. The end result should be a new dwelling which sits comfortably within the plot and its surroundings, and which respects the character and appearance of the locality, rather than harming open countryside.

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.

What is Proven Local Housing Need?

- 10.3 There are two types of local housing need that could be met through an infill development, and these are:
- Key workers who need to live within a particular locality in connection with a rural enterprise such as farm, forestry workers who currently live too far away as to be practical for their employment (e.g. animal husbandry); and
 - Low-income local 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.
- 10.4 Given the two different types of local housing need it will be important for applicants to ensure that their proposals are clear by identifying upfront the type of local housing need they are seeking to address. This can be done in a covering letter, Design and Access Statement or in a Planning Statement.

Local Housing Need - Rural Enterprise Workers

- 10.5 For applicants seeking to demonstrate local housing need on the basis that they are a rural enterprise 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 all cases it must be demonstrated that the intended user of the proposed dwelling 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.
- 10.6 The evidence that would normally be required to support a new 'worker dwelling' should address the points below. Any personal information will be redacted and kept confidential.
- 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

- 10.7 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 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.
- 10.8 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.
- 10.9 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 inform the LPA 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

- 10.10 In permitting either workers' dwellings or affordable housing the LPA 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.
- 10.11 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.

10.12 If it transpired 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.

10.13 In order that the proposed infill dwelling may be properly assessed in relation to its site and surroundings and in terms of meeting a proven local need, a full planning application should be submitted.

11. f) Affordable Housing Exception Sites

11.1 Policy HN4-D provides guidance in respect of Affordable Housing Exception Schemes and seeks to facilitate the provision of affordable housing on sites adjoining settlement boundaries where there is an evidenced housing need, as an exception to normal planning controls over new housing development. Guidance on this type of development is set out in a separate SPG 'Affordable Housing'.

12.g. One Planet Developments

12.1 Welsh Government guidance on One Planet Developments is contained in para 4.2. 39-40 of PPW12, in TAN6 Planning for Sustainable Rural Communities and in a Practice Guidance Note 'Using the One Planet Development Ecological Footprint Calculator'. TAN6 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.

12.2 Policy HN4 does not provide specific or detailed guidance on this form of development as there is well established policy and guidance produced by Welsh Government and also noting the lack of applications for this type of development in Flintshire. Any applications for One Planet Developments will be determined against other relevant policies in the LDP and the advice in PPW12 and TAN6.

13. Garden Extensions in the Countryside

- 13.1 Although the LDP has no specific policy on this subject, the LPA often receives planning applications to extend garden areas. Planning permission is required to extend the garden of a dwelling onto land, which is used for another purpose, often agricultural land, as this is a material change of use. Enlarging residential gardens, changing plot boundaries and introducing domestic paraphernalia such as fencing and sheds introduce urban features which can have a significant visual impact.
- 13.2 Garden extensions into open countryside will only be permitted where the overall character and appearance of the locality is not harmed. It will be necessary to have regard to several considerations:
- the amount of garden area presently available relative to the size of house (see SPG Space Around Dwellings) and the size of the extension sought
 - the relationship with the garden areas of any adjoining dwellings in terms of a consistent pattern
 - the existence of an appropriate physical boundary or the creation of an appropriate new boundary
 - the details of the boundary treatment in terms of fencing or native planting, which is typical of the locality
 - the visibility of the extension from any public vantage points such as roads or public rights of way
 - the extent to which the extension would bring about safety benefits such as the provision of an improved vehicular access or parking
 - the extent to which the extension would improve the provision of essential services such as domestic fuel tanks
 - the extent to which the proposal would lead to the loss of best and most versatile agricultural land
 - Any planning permission being conditioned to remove permitted development rights to prevent new structures such as sheds, garages, greenhouses and house extensions
 - Any planning permission being conditioned to ensure any necessary planting or landscaping treatment is undertaken and maintained.
 - Any proposed garden extension has no adverse impact on the historic environment.

Contacts

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Appendix 1: Flintshire Local Development Plan Policies

HN4: Housing in the Countryside

Proposals for housing development outside defined settlement boundaries will only be permitted where:

- a) it is for the purposes of agriculture, forestry or other rural enterprise as defined in TAN6,
- b) it involves the replacement of an existing dwelling (see policy HN4-A), or
- c) it involves the subdivision of an existing dwelling, provided the dwelling is capable of subdivision without major extensions tantamount to the erection of an additional dwelling or dwellings, or
- d) it involves the conversion of an existing non-residential building (see policy HN4-B), or
- e) it involves sensitive infill development within an appropriate group of dwellings in the countryside (see policy HN4-C)
- f) it is for affordable housing exception sites on land adjoining the settlement limits (see policy HN4-D), or
- g) it is for a One Planet Development as defined in TAN6.

HN4-A: Replacement Dwellings

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 not significantly larger than the existing dwelling and reflects the character and traditional building style of the locality in terms of its siting, design, form, and the materials used;
- e) the replacement dwelling should be located on the site of the existing dwelling, or in exceptional circumstances where an alternative siting within the curtilage will address an existing site constraint or bring about an overall environmental improvement; and
- f) there is no extension to the existing residential curtilage.

HN4-C: Infill Development in Groups of Houses

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.

Appendix 2:

Comments and Responses to updated SPG - New Housing in Open Countryside

Representor	Summary of Comments	Change Sought	Response	Recommended Changes
Buckley Town Council	It was unclear if annexes could be built if they were attached to house/building	Clarification on annexes	Not accepted This SPG is concerned with new housing in the open countryside and the Council do not define annex accommodation as new housing. Annex usage should be ancillary to the residential use of the existing dwelling and is reliant in part on the main dwelling for facilities. Therefore annex accommodation is not included within the SPG. The LDP has a specific policy HN6 which relates to Annex Accommodation and further guidance on this type of development is contained in section 10 of the SPG on Extensions and Alterations to Dwellings.	None
Clwyd Powys Archaeological Trust (CPAT)	Developers should be encouraged to seek advice as part of a pre-planning consultation with the Planning Archaeologists of the regional Welsh	To add reference to encouraging developers to seek pre planning advice from the Welsh Archaeological Trust before submitting a planning application.	Partly accepted. A general note of advice encouraging all applicants to apply for Pre- Application Planning Advice would be more appropriate.	Add to the end of Paragraph 4.1 as follows, 'Applicants are encouraged to seek advice as part of the Pre- Application Planning Advice service with the Planning

Representor	Summary of Comments	Change Sought	Response	Recommended Changes
	Archaeological Trust to discuss any impacts and the mitigation that may be necessary.		The LDP is to be read as a whole, consequently all relevant policies will be considered as part of the planning application process and there are policies in the LDP which deal with the historic environment.	department before making any planning applications. The Pre-Application Planning Advice service will identify relevant policies, guidance and technical standards; confirm what information will be required for the planning application; identify any issues and how these may be overcome and give an indication of the means and timescale for determining the application.
Clwyd Powys Archaeological Trust (CPAT)	For Policy HN4 it may be worth adding extra text.	HN4 add ...it has no adverse impact on any component of the historic environment.	Not Accepted. Changes to policy wording in the LDP can only be made when a review of the plan is carried out.	None
Clwyd Powys Archaeological Trust (CPAT)	In 7.1 we welcome this paragraph below: • In cases where the existing dwelling has local architectural and/or historical value the preference will be to explore alternative	None	Noted	None

Representor	Summary of Comments	Change Sought	Response	Recommended Changes
	<i>options to retain the existing dwelling through refurbishment, adaptation and/or extension. Where considered appropriate and necessary consideration will be given to adding buildings of merit to the Buildings of Local Interest list.</i>			
Clwyd Powys Archaeological Trust (CPAT)	It is also good to see that HN4-A includes the below line which will help a lot with non-designated buildings of traditional or vernacular interest... c) the existing dwelling does not have significant local historical or architectural interest;	None	Noted	None
Clwyd Powys Archaeological Trust (CPAT)	It should be noted that replacement dwelling proposals may attract the need for pre-determination archaeological assessment in		Accepted	Amend bullet point 3 in Paragraph 7.1 as follows, 'In cases where the existing dwelling has local architectural and/or historical value the preference will be to explore alternative

Representor	Summary of Comments	Change Sought	Response	Recommended Changes
	accordance with TAN 24 (May 2017) to understand the age, condition, development and importance of the structure in relation to the proposals. The subsequent report may require changes to the design and layout to mitigate impacts before the application is submitted. Dwellings which are found to be of potential national importance may also be recommended to Cadw for a listing assessment.			options to retain the existing dwelling through refurbishment, adaptation and/or extension. Where considered appropriate and necessary there may be a requirement for a pre-determination archaeological assessment (in accordance with TAN24). Depending on the findings, consideration will be given to adding buildings of merit to the Buildings of Local Interest list or referring buildings to CADW for potential listing.
Clwyd Powys Archaeological Trust (CPAT)		In 13.2 add the bullet point: “that any proposed garden extension has no adverse impact on any component of the historic environment”.	Partly accepted	Add a bullet point to paragraph 13.2 as follows: “Any proposed garden extension has no adverse impact on the historic environment”
Holywell Town Council	New housing should stay within the aesthetics of a particular open countryside area.	None	Policies PC2, PC3 and PC4 within the LDP set out the policy stance on issues such as the	None

Representor	Summary of Comments	Change Sought	Response	Recommended Changes
	Materials should be used for future sustainability based on the climate change being experienced currently.		sustainability of new development and ensuring that development is appropriate to the locality in terms of siting, form, design and materials. The objective of this SPG is to provide additional explanation and clarity on the broader policy principles relating to new housing development in the countryside. The use of materials must balance sustainability considerations with the appearance of development and it would be inappropriate for the SPG to be prescriptive as each case must be considered on its particular merits.	
NRW	Section 7.2 refers to replacement dwellings where the existing dwelling is subject to unacceptable environmental	7.2 add: "Flood risk betterment including provision of a flood resilient design (e.g. raising electricity sockets and use of flood resistant	Partly accepted. Consider that the inclusion of a simplified wording is reasonable	Add a new sentence at the end of the first bullet point in 7.2 as follows, 'In cases where flood risk is present, the replacement dwelling

Representor	Summary of Comments	Change Sought	Response	Recommended Changes
	considerations, including flooding. We advise that a sentence concerning betterment is included We also advise referring to the Planning for the Dark Night Sky in the AONB SPG and emphasising the importance of dark skies to the conservation and enhancement of natural beauty within the AONB.	materials) should be fully considered in the design of any replacement dwelling”.		should bring about flood risk betterment including the provision of a flood resilient design’.
NRW		6.13 add: “For further information on the special qualities and design considerations relevant to the Clwydian Range and Dee Valley AONB we advise including cross references to the Clwydian Range and Dee Valley AONB SPG. New development should be designed to avoid or reduce light pollution and the Dark Skies SPG provides detailed practical	Partly accepted Consider that the inclusion of a slightly different wording is appropriate	In paragraph 6.13 at the end of the first sentence add the following, ‘and policy EN18 in terms of minimising light pollution’. Add a new sentence at the end of para 6.13 as follows, ‘Regard should be had to the AONB SPG which sets out the special qualities, issues and design considerations relevant to the AONB and the Dark Skies SPG which provides clear advice

Representor	Summary of Comments	Change Sought	Response	Recommended Changes in relation to lighting in the AONB.
NRW		<p>guidance on achieving this".</p> <p>Following Paragraph 6.13, and in relation to proposals for new housing within the AONB or its setting, we advise highlighting that these proposals should typically be informed and supported by landscape and visual appraisals prepared by suitably qualified and experienced landscape professionals. We also advise stating that an early understanding of the potential landscape and visual impacts of a development can improve integration and ensure adverse effects are reduced and minimised or avoided altogether. Harm can often be avoided by selecting an appropriate site at the outset.</p>	<p>Partly accepted.</p> <p>Consider that the above amendments to para 6.13 highlight the need to recognise the special qualities of the AONB when designing development, particularly when the SPG is read in conjunction with policy EN5 of the LDP. It is not considered that the detailed wording sought is either necessary or appropriate.</p>	None

Representor	Summary of Comments	Change Sought	Response	Recommended Changes
NRW	We recommend that consideration or reference to protected species should also be included in the 'New Housing in the Open Countryside' and Alterations to Dwellings' draft SPG's.	<p>We also advise reference to European protected species derogation criteria within the draft SPG's, including:</p> <ul style="list-style-type: none"> - Requirement to demonstrate the proposal preserves public health or public safety or is imperative for reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; and - There is no satisfactory alternative. 	<p>Not accepted.</p> <p>The Council has an existing SPG relating to Nature Conservation and Development and a more specialised SPG relating to Great Crested Newt Mitigation Requirements. These will be updated and reviewed and consultation undertaken on them prior to adoption.</p> <p>The objective of this SPG is to provide further clarity on the broad planning policy principles applying to different types of housing development in the open countryside. Policies in the LDP and the suite of SPGs, when finalised, should be read together.</p>	None
NRW	It would be helpful to add a reference in the SPGs to other evidence on landscape, adding that in addition to the existing SPGs on	Add reference to further supporting information in relation to the character of the AONB, information should include LANDMAP and NRW	Accepted	Add at the end of para 6.13 the following, ' NRW have produced some online resources which support the character and qualities of the

Representor	Summary of Comments	Change Sought	Response	Recommended Changes
	the AONB, further supporting information on the character and qualities of the AONB and its setting can be found in LANDMAP and the NRW online resources on Tranquillity and Place (Tranquillity and Place (arcgis.com)), and Dark Skies (Wales Dark Skies (arcgis.com)).	online resource on Tranquillity and Place and Dark Skies, these can be found at arcgis.com		AONB. These can be accessed at https://naturalresources.wales and https://lucmaps.co.uk/NRWDarkSkies/
Penyffordd Community Council	Welcomes the consultation but has nothing further to add in regard to the draft SPGs	None	Noted	None
Officer Led Changes		Para 6.1	Update reference to PPW 12	In paragraph 6.1 add 12' after PPW and change the paragraph reference from '4.2.6 to 4.2.37' to '4.2.37 to 4.2.38' .

Representor	Summary of Comments	Change Sought	Response	Recommended Changes
Officer Led Changes		Para 12.1	Update reference to PPW 12	In paragraph 12.1 add '12' after PPW and change the paragraph reference from '4.2.38 - 39' to '4.2.39 to 4.2.40'.
		Para 12.2	Update reference to PPW 12	In paragraph 12.2 add '12' after 'PPW'.

