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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 15/06/20

gan Mr A Thickett BA(Hons) BTP Dip  
RSA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 21.07.2020

## Appeal Decision

Site visit made on 15/06/20

by Mr A Thickett BA(Hons) BTP Dip RSA  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 21.07.2020

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**Appeal Ref: APP/A6835/A/20/3245090**

**Site address: Poor Clare Colettine Monastery, Upper Aston Hall Lane, Hawarden, Flintshire, CH5 3EN**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ecclestone Homes Ltd against the decision of Flintshire County Council.
  - The application Ref 060048, dated 29 May 2019, was refused by notice dated 18 December 2019.
  - The development proposed is the demolition of the monastery buildings, St Damien's Lodge and associated outbuildings and the redevelopment of the site with 15 houses.
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### Decision

1. The appeal is allowed and planning permission is granted subject to the conditions set out in the schedule at the end of this decision.

### Main Issue

2. The site lies in a Green Barrier as defined by the Flintshire Unitary Development Plan, 2001 to 2015, adopted 2011 (UDP). The main issues are:
  - whether the proposal would be inappropriate development in the Green Barrier,
  - whether any harm by reason of inappropriateness would be clearly outweighed by other considerations; and if so, whether very exceptional circumstances exist to justify the harm to the Green Barrier.

### Reasons

3. There is no dispute that the proposed development is not of a type deemed by national and local policy to be not inappropriate in a Green Barrier. Inappropriate development is, by definition, harmful and Planning Policy Wales (PPW) states that substantial weight should be attached to any harmful impact which a development would have on the purposes of a Green Barrier. PPW states that; *'inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge'*. The site also lies outside a settlement boundary as defined in the UDP and in policy terms is in the countryside
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wherein development is strictly controlled. In supporting the scheme, the Council's officers concluded that there are very exceptional circumstances in this case that justify the grant of planning permission, I agree.

4. The monastery is a substantial building. It is vacant, the nuns who lived there have moved elsewhere. It is largely two-storey but the roof of what would appear to have been a chapel (from the outside, I did not enter the buildings) rises substantially above the rest. There is also a separate two storey dwelling and a range of outbuilding and glasshouses. A large area to the rear of the buildings is wooded and free from buildings.
5. The appeal site constitutes previously developed land. It is in walking distance of a bus route and shops and services and the Council accepts that it is a sustainable location for housing. From my observations, it seems to me unlikely that the buildings could be easily put to another use and, if one accepts that the site should not be left unused, some form of redevelopment would be necessary.
6. Recognising that the proposed development is inappropriate in the Green Barrier, UDP Policy GEN4 states that development in Green Barriers will only be permitted where it would not contribute to the coalescence of settlements or unacceptably harm the open character and appearance of the Green Barrier. The existing buildings have a footprint of around 1980m<sup>2</sup>. The footprint of the proposed dwellings would be around 1620m<sup>2</sup>. The proposed houses would be two-storey. As stated above the existing building is taller and which also adds to its bulk. The proposed dwellings would occupy roughly the same area of the site as the existing buildings. For these reasons, I consider that the proposal would no more threaten the coalescence of Ewloe and Hawarden than the existing lawful development and that it would have a positive impact on the openness of the Green Barrier.

#### Other matters

7. At the time the planning application was refused Technical Advice Note 1: Joint Housing Land Availability Studies had not been revoked and the Council could not demonstrate a 5 year housing land supply. In the Council's view the weight to be attached to increasing housing land supply did not outweigh the harm arising from the inappropriate nature of the proposed development in the Green Barrier. The Council has submitted an analysis of housing supply based on its emerging Local Development Plan (LDP) and argues that there is no housing shortfall in Flintshire.
8. I note that the emerging LDP has been placed on deposit. However, the weight to be attached to an emerging LDP does not necessarily increase as it progresses to adoption. The emerging LDP's housing requirement and housing trajectory are yet to be tested at examination. I cannot be certain that they are sound and I afford the Council's assertion little weight. Even if the Council is right the ability to demonstrate an adequate supply of housing does not mean that planning permission should be withheld, it would just not be a material consideration that weighed in favour.
9. The appellant submits a Transport Survey which concludes that the impact of the additional traffic generated by the proposed development on the local highway network would be imperceptible. The Highway Authority do not object to the proposed development and I have seen no empirical evidence to lead me to a different view.
10. There are a number of mature trees and hedges on the site, some of which would be lost. The Council's Arboricultural Officer is satisfied that an appropriate balance has been struck between tree retention and removal with the most important woodland

group to the rear of the former existing buildings being retained *'together with a number of trees and hedgerows on the site frontage which help to maintain the open setting of the site when viewed from Aston Hall Lane'*. I acknowledge the concerns raised but am satisfied from what I have seen and read that the proposals would not have an unacceptable impact on the character and appearance of the area, the living conditions of neighbours or ecology.

#### Conditions and obligations

11. It is not proposed that the access road be offered for adoption and the appellant submits a unilateral undertaking which makes provision for its maintenance. I have considered the Council's suggested conditions in light of the advice in Circular 16/14. Dŵr Cymru confirms that capacity exists within the public sewerage network to accommodate foul drainage and I see no need, therefore, to duplicate the provisions of building regulations. I have read nothing to suggest that the details of the access or parking shown on the submitted plans is inadequate and see no need to require further details. Nor is it necessary to duplicate controls regarding highway drainage.

#### Conclusions

12. The appeal site lies outside a settlement boundary and within a Green Barrier. The proposed development constitutes inappropriate development in a Green Barrier which is, by definition, harmful. Nevertheless, the reduction in built form will improve openness and the development would not conflict with a purpose of the Green Barrier which is to prevent the coalescence of settlements. The site is brownfield and it is in a sustainable location. For the reasons given above and having regard to all matters raised, I consider that these considerations combine to constitute very exceptional circumstances and justify allowing this appeal and granting planning permission.
13. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of building better environments.

*Anthony Thickett*

Inspector

## Schedule

### APP/A6835/A/20/3245090

The appeal is allowed and planning permission is granted for the demolition of the monastery buildings, St Damien's lodge and associated outbuildings and the redevelopment of the site with 15 houses at Poor Clare Colettine Monastery, Upper Aston Hall Lane, Hawarden, CH5 3EN in accordance with the terms of the application, Ref 060048, dated 29 May 2109 submitted with it, subject to the following conditions:

- 1) The development shall begin no later than five years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development shall be carried out in accordance with the following approved plans:

Planning Application Boundary 1456/100/C

Planning Layout 102/D

Management Company Areas to remain open in perpetuity 102-1

Tree Survey Sheets 1 & 2 P.1082.18.01

Tree Removal Plan 1456-102/C

House types; Bramhall BH-P-01-1, Formby FM-P-01/A, Formby Render FM-P-01-1/A, Haigh HA-P-01

Hartford HT-P-01-1, Parkgate PK-P-01, Parkgate PK-P-01-1, Slaidburn SD-P-01, Whalley 2 WH2-P-01-1

Willaston WN-P-01,

Single Garage SG-P-01

Double Garage DG-P-01

Reason: To ensure that the development is carried out in accordance with the approved plans and drawings submitted with the application.

- 3) No development shall take place, nor shall there be any demolition works or site clearance, until there has been submitted to and approved in writing by the local planning authority details of the schedule and methodology for the demolition of the existing buildings on the site. The demolition works shall be carried out in accordance with the approved details.

Reason: To ensure conservation of protected species in accordance with UDP Policy GEN1(c).

- 4) No development shall take place, nor shall there be any demolition works or site clearance until measures designed to implement the recommendations contained in the Ascerta Bat Roost Assessment and Survey have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure conservation of protected species in accordance with UDP Policy GEN1(c).

- 5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area in accordance with UDP Policy GEN1(a).

- 6) No development shall take place, nor shall there be any demolition works or site clearance, until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the demolition of the existing buildings and throughout the course of the development.

Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area in accordance with UDP Policy GEN1(a).

- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area in accordance with UDP Policy GEN1(a).

- 8) No development shall take place, nor shall there be any demolition works until a programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that any historical information is recorded and retained in accordance with UDP Policy GEN1(c).

- 9) No development shall take place until a scheme to deal with contamination of the site, instability or gas migration has been submitted to and approved in writing by the local planning authority. The approved scheme shall include an investigation and assessment to identify the extent of contamination, instability or gas migration and the measures to be taken to avoid risk to the buildings and occupiers when the site is developed. No development shall take place begin until the measures approved in the scheme have been implemented and a report certifying such implementation has been submitted to the local planning authority.

Reason: To protect future users of the land in accordance with UDP Policy GEN1(i).

- 10) No development shall take place, nor shall there be any demolition works or site clearance until a Construction Traffic Management Plan has been submitted and approved in writing by the local planning authority.

Reason: In the interests of highway safety and to safeguard the living conditions of nearby residents in accordance with UDP Policy GEN1(d).

- 11) No development shall take place, nor shall there be any demolition works or site clearance until details of the existing entrance wall to be retained have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area in accordance with UDP Policy GEN1(a).

- 12) Visibility splays to the access shown on drawing no. 102/D of 2.4m x 34.7m in a northerly direction and 2.4m x 35.4m in a southerly direction shall be provided prior to the construction phase of the development hereby permitted. The visibility splays shall be maintained free of any obstruction exceeding 0.6m in height for as long as the development hereby permitted is in existence.

Reason: In the interests of highway safety in accordance with UDP Policy GEN1(e).

- 13) The gates shown on drawing no. 102/D shall open inwards and positioned a minimum distance of 12m from existing carriageway.

Reason: In the interests of highway safety in accordance with UDP Policy GEN1(e).

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