The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 04/11/15

gan Kay Sheffield BA(Hons) DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23 Tachwedd 2015

Appeal Decision

Site visit made on 04/11/15

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 23 November 2015

Appeal Ref: APP/H6955/A/15/3078137
Site address: Land west of Ley Farm, Green Lane, Halton, Chirk, Wrexham

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 failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Geraint Pierce against Wrexham County Borough Council.
- The application Ref P/2014/0739, is dated 2 October 2014.
- The development proposed is residential development of 73 dwellings including new access road and associated landscaping, play area and public open space, on land benefiting from an extant planning permission for 89 dwellings granted by Denbighshire County Council on 3 July 1973 under number 9/1796.

Decision

1. The appeal is dismissed.

Procedural matter

2. From the evidence it is clear that there have been protracted negotiations between the Appellant and the Council which culminated in a report recommending approval of the application. However, this report was withdrawn prior to its consideration by the relevant committee of the Council. Notwithstanding the conclusion reached in the report, the Council contends in its appeal statement that the development would have a detrimental impact on the character of the area. It has made specific reference to Policy GDP1(a) of the Wrexham Unitary Development Plan, 2005 (UDP) which requires developments to make a positive contribution to the appearance of the locality and to Planning Policy Wales (PPW) and Technical Advice Note 12: Design (TAN 12) which both emphasise the importance of good design.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site lies within the settlement boundary of Chirk, as identified in the UDP, and adjoins an existing residential estate. The site is agricultural land enclosed by hedges. A single mature oak towards the north eastern corner of the site is a significant feature of the landscape. The local topography is steeply sloping, the ground levels of the site being approximately 30m higher on the eastern boundary than on the western boundary adjoining the existing built development. The elevated position of the site relative to the adjoining residential properties would result in the development being highly visible from near and distant viewpoints.

5. The site is within the settlement boundary and therefore the principle of the proposed development is established. The site also has an extant planning permission for the erection of 85 dwellings granted in 1977. However, the Council contends that the extant permission is unlikely to be implemented in full. The Council's contention is supported by the planning history of the site which records several proposals since permission was granted. These include an application for 89 dwellings which was dismissed at appeal in 2008 (Appeal Ref: APP/H6955/A/07/2053569).

6. In reaching his decision the Inspector recognised the extant permission. However, in respect of the detailed design and layout of the development, he did not consider that the permission represented *"a realistic 'fall-back' position; the mix of dwellings and their sizes, types and garden areas are unlikely to be sufficiently attractive to contemporary developers, as is evidenced by the several different planning applications for different schemes"*. The Council also contends that the extant permission provides for very little public open space and the internal estate roads would exceed the gradients considered acceptable by current standards.

7. In view of the time which has elapsed since the extant permission was granted, the history of the site and the absence of any evidence to the contrary, I consider the likelihood of the extant permission being implemented to be unrealistic. I am therefore in agreement with the previous Inspector that the extant permission does not represent a realistic fall-back position and have restricted my assessment of the appeal to matters of character and appearance.

8. During my site visit I viewed the site from distant vantage points, including from the highway in the vicinity of the entrance to Chirk Castle. From this area the proposed development would be seen as an extension of the existing residential estate onto the sloping hillside. It would represent a significant visual intrusion which would be highly visible in the wider landscape. The impact it would have on the character and appearance of the hillside would be emphasised by the height of the dwellings on the upper part of the site which would break the ridgeline.

9. I accept that the proposed terracing is required to address the steep gradient of the site and as a result the proposed layout would consist of formal rows of detached and semi-detached houses set on a range of plateaus stepping up the hillside. The spine road would snake up the hillside between these changes in level and would be lined by dwellings. Areas of open space would help accommodate the differences in ground levels between the rows of houses and the various footways through these areas would aid pedestrian movement across the site. The spaces separating the dwellings would allow views between them and in combination with the areas of open space would help create an open character to parts of the site. However, the open space is mainly concentrated at the edges of the development and whilst there is a relatively large area through the upper part of the development, it would be contained by two storey dwellings on higher land.

10. I am concerned that despite the variety of house types the proposal would create a development which would predominantly comprise formal rows of houses stepping up the hillside, linked by a single spine road and offering very little variation in form and character. It would also result in the loss of the mature oak tree. I consider that in views from within the existing estate as well as from vantage points on the local highway network the proposal would cause significant harm to the character and appearance of the site and its surroundings, contrary to Policy GDP1(a) of the UDP, PPW and TAN 12.

11. Access to the site from the estate would be via Sycamore Drive. The Council has indicated that although this is a public highway it is un-adopted. Concerns have been expressed by local residents regarding the use of Sycamore Drive to access the site and the legal right to do so. Although Sycamore Drive is not currently in a condition suitable for highway adoption and would need to be brought up to standard in order for the development to take place, the Council is satisfied that this is a matter which could be addressed by condition. On the evidence before me I have no reason to conclude that safe and satisfactory access to the site could not be achieved or that the local highway network is not capable of taking the volume of traffic which would be generated by the development. I have noted concerns regarding access to the site for construction traffic but this could also be a matter to be agreed. With regard to the dispute regarding the right to use Sycamore Drive to gain access, I have no substantive evidence to support such claims. Moreover, it is a legal matter which falls outside the remit of the appeal.

12. Other issues raised include the effect of the development on surface water and foul drainage and the effect of the development on the living conditions of local residents generally. However, I have no definitive evidence to substantiate these claims.

13. The Council is unable to demonstrate a five year housing land supply. In such circumstances paragraph 6.2 of Technical Advice Note 1: Joint Housing Land Availability Studies states that the need to increase supply "*should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies*". I recognise that the proposal would make a significant contribution towards local housing supply and that the proposal is an improvement on the extant permission. Nevertheless, in my opinion, the considerable weight given to the need to increase housing land supply is not sufficient to outweigh the harm identified to the character and appearance of the area which would be contrary to national and local planning policy.

14. I note that contributions would normally be sought towards affordable housing, secondary school capacity and the long term management and maintenance of areas of public open space within the site. However, I understand that the Council considers that only a contribution towards the latter is required since the extant permission makes no provision towards affordable housing and secondary school provision. Nevertheless, given my conclusions regarding the acceptability of the scheme I do not need to reach a finding on this matter, although I do find the Council's approach inconsistent given its stance in respect of the fall-back position. I am not aware that the Appellant has agreed to the Council's request that all previous permissions should be revoked in order to avoid any future risk of the simultaneous implementation of different developments. However, in view of my conclusion in respect of the appeal, the need to do so does not arise.

15. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

Kay Sheffield

INSPECTOR