

PLANNING APPEAL STATEMENT

AN APPEAL AGAINST THE DECISION OF WREXHAM BOROUGH COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR A PROPOSED DEVELOPMENT FOR THE ERECTION OF 9 DETACHED DWELLINGS AND ALL ASSOCIATED WORKS.

LAND EAST OF CADNEY LANE IN THE SETTLEMENT OF BETTISFIELD SY13 2LN

LPA REF NO: MAE P /2022 /0869

BACKGROUND

The case for permitting this development is set out in the Planning Statement that accompanied the planning application and this appeal.

The statement emphasizes that:

“the dwellings can be sited and developed without detrimental effect on the surrounding landscape and will provide a positive road frontage layout.

The overall size and planned scale of the proposed dwellings are designed to reflect sizes and proportions of existing dwellings within the surrounding rural area.

Although this is an outline application, we have provided indicative widths, lengths and upper and lower limits.

The proposed dwellings in terms of height and mass will be consistent with the existing surrounding buildings. The combination of sympathetic building height, mass and good separation together with good landscaping ensure a unneighbourly development”.

Full regard is had to Policy GDP1 of the Wrexham Unitary Development Plan and the development criteria set out there which has been adhered to in formulating this proposal.

Importantly the proposed development adopts the settlements essential linear pattern and character of development at this point closely adhering to the established village layout and preserving the landscape harmony. The site is central to the village set adjacent the main highway and mirroring existing development on the opposite side of this principle highway.

COUNCILS CONSIDERATION OF PROPOSED DEVELOPMENT

Landscape considerations

It is agreed with the Councils assessment that this is not a limited form of “infilling” in the generally accepted form for such development. Nonetheless the site is set between two visually firm, established development points of frontage housing development. These provide a clear focus for defining and limiting the development. It is therefore properly represented as ‘infilling’ development.

These firm visual start and end points of the established linear housing run will ensure that the new development is limited to that proposed and would not lead to any encroachment into the wider Countryside as is feared in the Councils consideration of the proposal.

At the same time the proposal mirrors a largely similar form of development on the opposite side of the road. The proposal is a logical infill and progression of development in a settlement expected to receive limited housing development, contributing to much needed housing land.

It is pointed out in the Planning Statement that full regard has been had to Policy PS4. This states: *“Development should maintain the existing settlement pattern and character and be integrated with the existing transport network to help reduce the overall need to travel and encourage the use of alternatives to the car”*.

The proposed dwellings are part of an infill parcel of land and fully reflect the existing row of dwellings on either side of Cadney Lane.

Five Year Housing Land Supply

The raison d'être of the application is the contribution that it will make to the housing land supply in a sustainable location and an identified settlement.

The Council's consideration of this aspect notes: -

Delivery of housing is, in Wrexham's case monitored using the Average Annual Requirement (AAR) as set out in the emerging Local Development Plan (LDP). The LDP identifies a requirement for 7,750 homes to be built over the 2013-2028 period. The need to deliver 7750 homes by 2028 equates to an annual average requirement (AAR) for 517 dwellings. The actual rate of completions over the 2013-2020 period has been half this. The significant under delivery of housing over the 2013-2020 period is a material consideration that weights in favour of the proposals but it must be balanced against a number of other considerations.

The Council thus notes significant under delivery of housing and its significant materiality as a planning consideration.

It is further stated that the proposal would “*make a comparatively small contribution to the supply of housing land*”. But the extent of the contribution is determined and limited by the landscape context of the site and the need to ensure harmony with the settlement pattern itself as described above. This must be judged to be one of the other considerations referred to by the Council.

TAN 1

In setting aside, the compelling requirement to attach ‘considerable weight’ to decisions owing to the lack of a five year supply set out in paragraph 6.2 of Tan (1) the Minister simply gave greater flexibility, as stated in the advisory letter, to determine the weight to be attached on a case by case basis.

In submitting this planning application, a number of appeal decisions exemplars were

submitted, and the Planning Statement highlights what is judged to be the essential guidance in each example. These are not repeated here but the comments by Inspector Thickett cogently sum up the approach that we have and should be adopted : -

Land South of Rhos Road, Penyffordd, Flintshire (APP/A6835/A/3243303) –
Appendix 1

This unallocated appeal site lay outside the settlement boundary. In dealing with the appeal on 27th April 2020 the head of the Planning Inspectorate in Wales, Tony Thickett, stated (paragraph 8):

“The changes to PPW and revocation of TAN1 have not reduced the importance of delivering new housing, just the way delivery is planned, measured and monitored. PPW, as revised, states that: ‘Under-delivery against the trajectory may require a specific early review of the development plan’. In my view that is a clear indication that the government is committed to ensuring that the planning system delivers the housing Wales needs and that under delivery is a material consideration” (Lichfields emphasis).

UDP

The Case officer advises that Policy PS1 directs new residential development to sites within settlements, with policy H5 setting out a limited number of cases where small scale housing developments may be permitted to take place outside of settlement limits, namely:

- a) conversion of suitable buildings
- b) the subdivision of an existing dwelling;
- c) up to two dwellings on an infill plot;
- d) small scale affordable housing schemes on sites adjacent to a settlement limit; and;
- e) key rural worker housing.

The case officer report notes that the proposal is for 9 new build dwellings therefore a) and b) are not applicable. Further that in respect of c), the provisions of policy H5

in regarding infill are now out of date in light of Planning Policy Wales 11, specifically paragraph 3.60, at least in respect of groups of dwellings in the open countryside. Accordingly, it is concluded that the proposed development is not in accordance with policy H5.

It has to be acknowledged however that given the shortfall in housing land supply the restricted village boundaries combined with the small-scale exceptions that are indicated as being within policy criteria are significantly far from being sufficient to ensure and deliver the housing land that is needed and identified in the case officers report within the Authorities area. At the same time whilst larger allocations are expected to be put forward in the larger Towns it is submitted that large sites as is proposed in this appeal must be considered, provided they take into account and safeguard the landscape and other land use considerations set out in the Development Plan .

The limited incremental growth of housing in rural areas as is proposed here, facilitates, encourages and stimulates the demand for services. Overall, the sustainability of the rural area is supported whilst the landscape is safeguarded. The demand for Bus services will not be stimulated without an incremental and progressive increase of housing in the rural area.

The Council assessment finds that the proposal would represent a significant intrusion of urban development into the rural landscape in this locality to the detriment of the character of the area and to the Special Landscape Area thus conflicting policies GDP1 and EC5 of the Wrexham Unitary Development Plan. This is however an outline application and the appearance of the development is a matter that will be totally under the control of the Council in terms of submission of reserved matters as would the site layout. This latter matter is correctly noted by the Council. It will ensure individual rural designs that appear to contribute to an organic growth of the rural settlement. It would not be acceptable to this practice to in any way contribute to an urbanizing effect of a rural settlement.

The Council acknowledged that in the LDP the site would not fall within a Special Landscape Area.

SITE DRAINAGE

The Decision notice and officers report both refer to the lack of information relating Site drainage. Accordingly, a specialist report has been obtained and forwarded to the Authority on the 15th March 2023. This contains the appellants drainage strategy for the site.