

Case No: P/2023/0036

Proposal: ADEILADU 9 ANNEDD AC ADEILAD SWYDDFA / ERECTION OF 9 DWELLINGS AND OFFICE BUILDING

Location: Gamford House, Gamford Lane, Rossett

From: Matthew Phillips

Policy Section: Planning Policy

Principle of Development: Planning Policy Wales 11 paragraph 3.60 establishes that development in the countryside *‘should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation’*. It goes on to state that *‘new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled’*.

The site lies outside of the settlement limit in both the UDP and the LDP. Whilst the UDP is now time expired, policies PS1, H5, E5 and E6 broadly reflect PPW11 by imposing strict controls over residential and employment development in the countryside, although the provision in policy H5 for infilling is now out of date in light of PPW11 paragraph 3.60

LDP policies SP2, H7 and EM4 set out generally similar limitations on housing and employment development in the countryside, albeit H7, as amended by the Matters Arising Changes (MACs) and omits reference to infill.

UDP policy H5 and LDP policy H7 set out a limited number of circumstances when new residential development may be permitted, namely conversion, subdivision, affordable housing exception sites on the edge of settlements and rural enterprise dwellings. None of these are applicable to the proposed development.

With regards to employment development UDP policy E5 only permits employment development through the conversion of existing buildings. Policy E6 does allow for up to 300 sq.m of new build but only in support of farm diversification. Being new build development not associated with an existing farm or farm diversification enterprise, the proposed office development does not comply with either policy. LDP policy EM5 is broadly consistent with both of the extant UDP policies. Whilst the office would offer some benefit in terms of new employment opportunities, the number of jobs created is likely to be relatively low. There is also no justification for an office in this location as opposite to sites located within settlement limits or employment areas.

Green Barrier

The site is situated in a UDP Green Barrier, which is analogous to Green Wedges described in PPW11. The development constitutes inappropriate development in a Green Wedge, as defined by para 3.75 of PPW11. PPW11 advises that Green Wedges should be reviewed as part of the development plan process.

Whilst the proposals conflict with UDP policy EC1 and PPW11 with regards to development in the Green Barrier, in accordance with PPW11 paragraph 3.68 the existing UDP Green Barriers were reviewed in the Strategic Green Wedge Review (GWR) October 2017 as part of the process of preparing LDP. The application site lies in an area that will not be subject to a Green Wedge designation in the LDP.

Whilst the LDP has not yet been adopted, the Council is expecting to receive the Inspectors Final Report imminently. Paragraph 9.4.8 of the Development Management Manual (DMM) confirms that the Inspectors Report provides certainty over the content of the LDP. Paragraph 9.4.9 of the DMM also advises that in the period between submission of an LDP for Examination in Public and its adoption, evidence to support policies in the LDP could be a material consideration.

No changes to the Green Wedge boundaries to the east of Rossett that would affect the application site were subject to Matters Arising Changes consultation between May and July 2022. Having regard to this and the outcome of the GWR, policy EC1 is afforded limited weight in the consideration of the application.

Previously Developed Land

Part of the site is previously developed land (PDL), as confirmed by the decision to issue a Lawful Development Certificate for Existing Use in 2021 (ref: P/2021/0293). Whilst PPW11 paragraph 3.55 and UDP policy PS3 both offer support to the re-use of PDL preference to greenfield sites, this support is qualified and falls a long way short of supporting to residential development on all PDL and must be considered alongside other requirements set out in PPW and other UDP policies.

PPW11 para 3.55 advises that not all PDL is suitable for development and does not offer support for the use of such sites in the countryside for new housing. Paras 3.43-3.44 of PPW11 also state that when identifying sites for development, consideration should be given first to the re-use of previously developed and/ or underutilised land within settlements, then land on the edge of settlements and then greenfield land within or on the edge of settlements. Whilst primarily applicable to the preparation of Local Development Plans, paragraphs 3.43-3.44 nevertheless serve to confirm that PPW11 does not support the re-use of previously developed land in the open countryside for housing.

UDP policy EC15 states supports action being taken to protect and enhance general amenity through the reclamation and restoration of derelict sites. However, the site is nearly 1ha in area so cannot be considered small. Furthermore EC15 does not offer any specific support for residential development in the countryside. As noted above, the provisions of the policy must be also considered alongside other local and national planning policies.

Housing Land Supply

Completions of houses ever since 2013 have on average been around half of the requirement identified in emerging LDP, resulting in a significant shortfall.

The proposed development would make a positive contribution to the housing land supply within the County Borough. This does carry some weight in favour of the proposed development, although must be carefully balanced against other policy considerations.

Overall Planning Balance: Although the shortfall in housing land supply and the potential for new employment opportunities carry some weight in favour of the proposed development, the very significant conflict with both local and national policy considerations weigh against it. On balance the benefits are not considered to carry significant enough weight to depart from these policies.

Notification Requirements: The application proposes residential development on a site having an area of 0.9ha that does not accord with the provisions of the development plan (the UDP) in force. It therefore constitutes 'major residential development' for the purposes of The Town and County Planning (Major Residential Development) (Notification) (Wales) Direction 2020 and Circular 01/2020.

Under the provisions of the Direction and Circular, should the Council resolve to grant planning permission it is required to give notice of its intentions to the Welsh Government who then have a statutory period of 21 days to determine whether to call the application in or not. A decision must not be issued until the Council has received confirmation from the Welsh Government that the application will not be called in or if the period of 21 days expires with no direction being received from the Welsh Government.