



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/01/2022

gan Nia Jones, BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 01/03/2022

Appeal Decision

Site visit made on 18/01/2022

By Nia Jones, BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh
Ministers

Date: 01/03/2022

Appeal Ref: APP/H6955/A/21/3282741

Site address: Land adjacent to The Willows, The Cadney, Bettisfield, Wrexham,
SY13 2LP

**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 outline planning permission.
 - The appeal is made by Mr Myles Chadwick against the decision of Wrexham County Borough Council.
 - The development proposed is 1 dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application for one dwelling is submitted in outline with all matters reserved. The appellant refers to a single storey proposal and the given scale parameters show a dwelling of approximately 5 metres in height. I have determined the appeal on that basis.

Main Issue

3. The main issues is whether, having regard to national and local planning policies, the location of the proposed dwelling is suitable, including in terms of its effects on the Special Landscape Area (SLA) and the sustainability of the location.

Reasons

4. There is no dispute between the parties that the Wrexham Unitary Development Plan 1996-2011 (UDP), adopted in 2005, is time expired. Nevertheless, it remains the development plan for the area. The Wrexham Local Development Plan 2 (LDP2), which will replace the currently adopted UDP, is at examination stage, but neither of the parties seek to rely on its emerging policies in support of this appeal. I am satisfied that, in relation to the main issues, the UDP is broadly in alignment with national planning policy as contained Planning Policy Wales Edition 11 (PPW).

5. The appeal site is comprised of a mown grass area open to the rear, and with native hedging either side of a central access and hardstanding. Its side boundaries comprise an ornamental hedge and a fence with sparse ornamental shrubs.
6. Policy PS1 of the UDP directs new housing development to within settlement limits. UDP Policy H5, expanding on the principles of Policy PS1, allows new dwellings outside settlement limits only where it complies with one of its listed criteria. It is designed to prevent, amongst other things, the consolidation of sporadic groups of housing but allows infilling, excluding sites which extend into the countryside beyond the limits of neighbouring curtilages, subject to compliance with UDP Policy GDP1. Local Planning Guidance Note 13 'Housing in the Countryside' (LPGN13) explains the Council's approach towards dealing with proposals for new housing in the countryside including that there must be a group of five or more dwellings in a row to allow infill. The Council acknowledges that infilling in the context of Policy H5 is out of date in light of PPW advice. PPW only supports infilling and minor extensions to existing settlements, particularly for affordable housing or economic activity, but requires 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. Lying approximately 130m outside the settlement limit of Bettisfield, the proposal would represent development within the countryside. As it would front the highway beside, not between, a row of only four houses, beyond the curtilage of the adjoining dwelling, it would extend the built frontage beyond its current form and so would not constitute infilling. There is no dispute between the parties that the development does not meet the other criteria listed in Policy H5. I find that the proposal does not constitute infilling or a minor extension to an existing settlement. Scant information to support the appellant's contention that the site constitutes previously developed land as defined in PPW has been provided. In any event, that does not alter my finding that the site's location is not suitable for the proposed dwelling given the conflict with PPW and Policies PS1 and H5 of the UDP.
7. Although I have noted the appellant's views in relation to the designation, the site lies within an SLA as designated by the adopted UDP. PPW indicates that planning authorities should provide for the conservation and, where appropriate, enhancement of local landscapes which may include the designation of SLA's. Albeit the northern boundary of the site is contiguous with an access lane, this is not visible in more distant views. The hedge between the appeal site and the neighbouring dwelling creates both a physical and visual barrier containing and confining existing development away from the adjoining countryside in both short and longer distance views. The appeal site is visually separated from the row of four dwellings due to the screening effects of the intervening hedge, and is distinguished from them by its native hedge frontage, mirroring the field boundary opposite, and contrasting with the brick boundary walls of the dwellings. The development would be sited beyond the intervening hedge and so would, despite its moderate height, intended supplementary planting and presence of nearby trees, form an incongruous and noticeable incursion beyond existing built forms in views from the village. Such views include the pleasant pastoral landscape of the SLA in the same context. It would be especially prominent in closer views looking east from the curve of the adjoining public footpath where it would be seen in isolation from other dwellings due to the screening effects of existing vegetation. For the reasons given, the proposal would form an undesirable urbanising intrusion, extending the built form of the sporadic group of dwellings. As a result, the proposal would not conserve or enhance the landscape of the SLA, contrary to UDP Policy EC5.
8. On the appropriateness of the location in relation to its overall sustainability in terms of transportation for residential development, PPW indicates that in rural areas, most new

development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole and that development in the countryside should be located within and adjoining those settlements where, amongst other things, it can best be accommodated in terms of infrastructure. Bettisfield is a small village with a modest bus service and limited facilities, and located at some distance from major employment, retail and other amenities. Whilst I have had regard to examples of recent development in the village which were brought to my attention, they lie within the settlement limits where moderate infilling on windfall sites is permissible under Policy HP5. Allowing development outside the settlement limit would however greatly increase the envisaged growth for the village at some distance from major employment, retail, health, education and other facilities. To access most facilities, occupiers of the proposed dwelling would be likely to be heavily reliant on the private car in a location that cannot be said to perform well in terms of sustainability.

9. For the foregoing reasons I find that the site would run counter to local and national policies to protect the countryside, and would harm the character and appearance of the SLA.

Other Matters

10. The appellant has provided some information in relation to phosphate levels. However, it appears from the Welsh Government's data maps that the appeal site lies outside the Riverine Special Area of Conservation catchment area which would indicate this is not an issue. In any event, given my overall conclusions on the scheme, it is not necessary for me to give this matter further consideration. Whilst I have noted residents' concerns regarding a high water table and incidents of flooding, I am satisfied they could be effectively addressed through detailed design and appropriate conditions. However, on the evidence before me, including the concerns expressed by Natural Resource Wales, I am not satisfied that a private drainage system could operate effectively to serve the development. As such, it is not a matter which could be satisfactorily addressed through planning conditions. Consequently, I consider the proposal contrary to Policy GDP1 which requires that the environment is safeguarded from the adverse effects of pollution of water.
11. Little evidence has been provided in relation to the presence of protected species at the site. Whilst I have noted the particular circumstances of the appeal site, the Council's Contaminated Land Officer draws attention to a former pond and, moreover, I saw that the site is located in an unlit countryside location with native hedges and mature trees close to the site which may provide favourable conditions for foraging bats. Although noting the appellant's willingness to undertake a survey and deliver appropriate mitigation if permission is given for the proposed development, Policy EC6 only permits development close to sites of biodiversity interest where it can clearly be demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. In the absence of baseline information to inform such an assessment, I adopt a precautionary approach and consider the proposal conflicts with Policy EC6.
12. The parties agree that, in accordance with PPW, Councils must secure a healthy supply of housing to meet the differing needs of communities and that the historic significant under delivery of housing in the Borough is a material consideration weighing in favour of the proposal. PPW recognises the contribution all types of builders, including the self-build sector, can contribute to delivering the housing requirement. I have had regard to the wider social and economic benefits of the proposed development, supporting strong and vibrant communities and providing employment and supply chain opportunities. I have also taken into account the appeal decisions brought to my attention in relation to housing

supply, but find that whilst the under provision of housing in general is a common factor, the scale of those developments and their particular location in relation to settlement limits, as well as the specific characteristics of the host villages, differ to the current proposal. Moreover, I have determined the appeal on its own merits and afford the contribution of this single dwelling to the local housing supply moderate weight.

13. In relation to the appellant's personal circumstances, I have had regard to the individual and social benefits of allowing him to continue his association with the village and to contribute to village life, as well as the opportunity for him to build a home affordable to his own needs. However, planning permission usually runs with the land and it is rarely appropriate to provide otherwise, in particular as development is likely to continue long after personal circumstances have changed.
14. Turning to highway considerations, although the Maelor South Community Council and local residents have raised concerns regarding the condition of the road, the Highway Authority raised no objections and was also satisfied that a suitable vehicular access could be provided. Given that the proposal is for a single dwelling on a no-through road serving limited development and with good forward visibility, I do not consider any highway safety concerns exist which would render the proposal unacceptable in this regard.
15. Given the limited height of the proposed development, existing landscaping and the ability to control detailed design, I do not consider the proposal would harm the living conditions of existing occupiers.

Conclusion

16. The contribution the proposed development would make towards addressing the under-provision of housing supply carries appreciable weight in favour of the proposal and I attach a little weight to the appellant's personal circumstances. Highway safety matters and the effects on the living conditions of neighbours are neutrally weighed.
17. The proposal would not satisfy UDP Policy H5 with regard to the location of residential development, or Policy EC6 in relation to its impacts on the SLA and I conclude that the location does not perform well in sustainable transport terms. In addition, there would be harm to protected species and the water environment. I afford significant weight to each of these considerations. Taken together, they clearly outweigh the benefits of the scheme which leads me to find that the appeal should be dismissed.
18. 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 this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

Nia Jones

Inspector