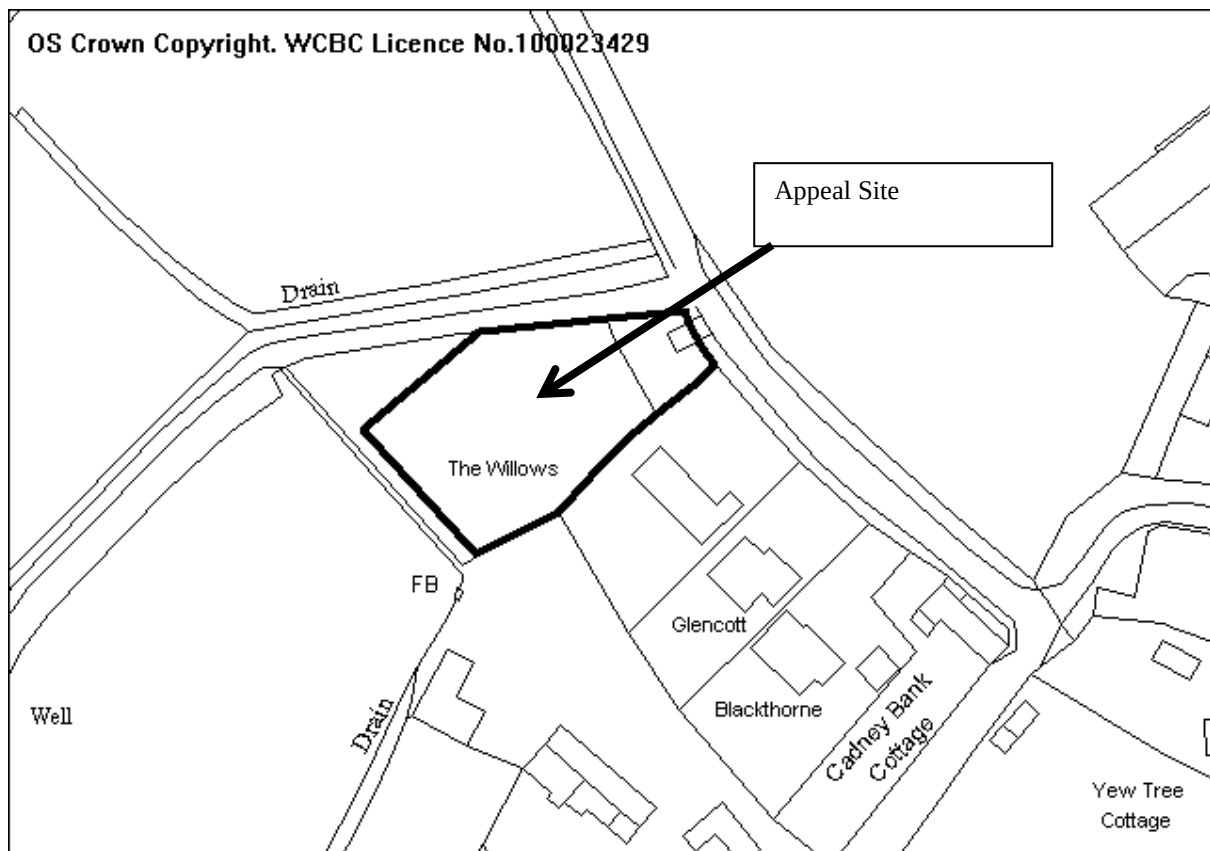


**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
LAND ADJACENT TO THE WILLOWS THE CADNEY BETTISFIELD WREXHAM**

COUNCIL'S STATEMENT OF CASE

**PLANNING REF: P/2021/0366
PINS REF: 3282741**

1.0 THE SITE



2.0 PROPOSAL

- 2.1 Outline planning permission is sought for the erection of 1 dwelling with all matters reserved.

3.0 DEVELOPMENT PLAN

- 3.1 See Officer Delegated Report which can be found at **Appendix 1**.

4.0 COUNCIL'S CASE

- 4.1 See Officer Delegated Report which can be found at **Appendix 1**.

5.0 PLANNING CONDITIONS

- 5.1 A schedule of suggested planning conditions can be found at **Appendix 2**.

6.0 CONCLUSION

- 6.1 The site lies outside of a settlement limit and in open countryside and is therefore an inappropriate location for residential development. Furthermore the development will represent an undesirable and harmful intrusion into the rural landscape and Special Landscape Area. As such the proposals do not

accord with policies PS1, GDP1, EC5 and H5 of the Wrexham Unitary Development Plan, as well as paragraphs 3.39 and 3.60 of Planning Policy Wales.

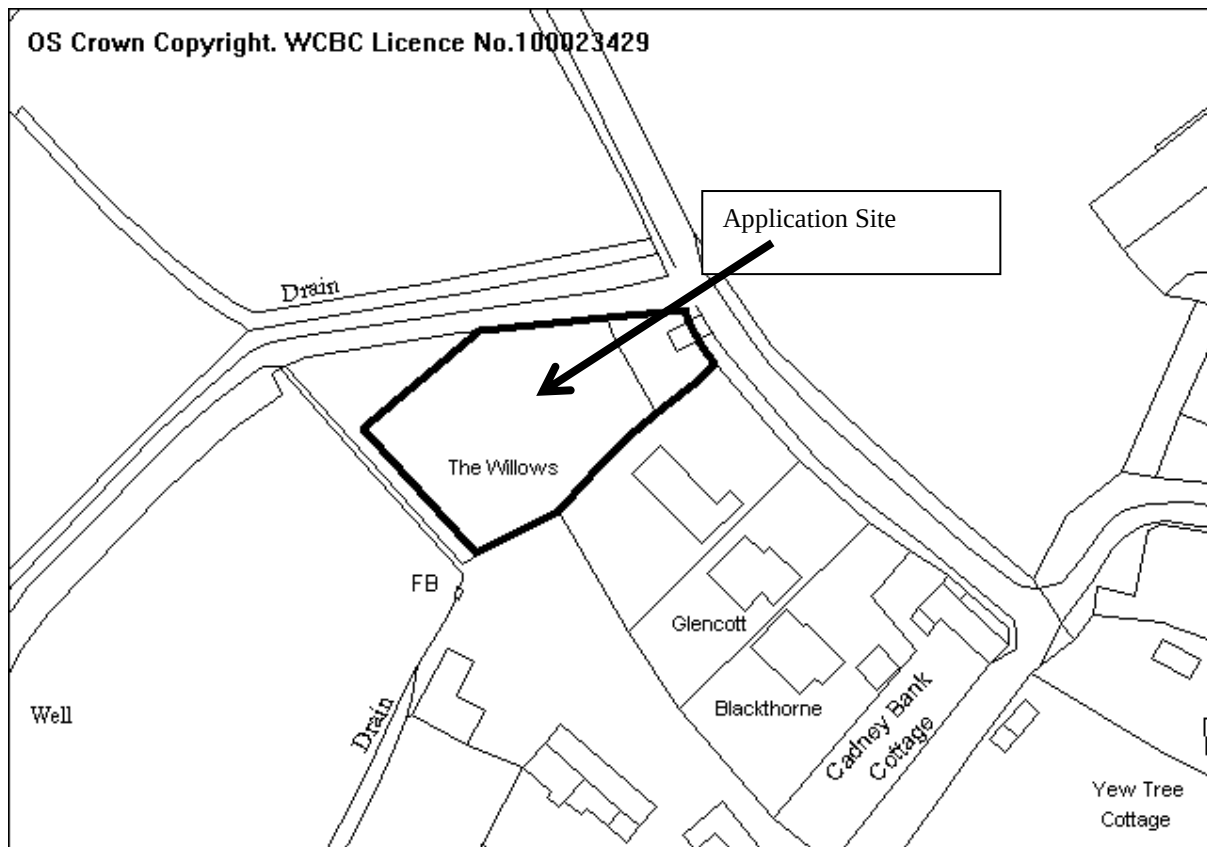
- 6.2 In addition to the conflict with policies regarding the location of new housing development, insufficient information has been submitted to demonstrate that the development will not give rise to pollution or water and will not adversely impact upon statutorily protected species. As such it also conflicts with policies GDP1(f) and EC6.
- 6.3 The Council respectfully requests the appeal be dismissed.

APPENDIX 1: OFFICER DELEGATED REPORT

P/2021/0366

Matthew Phillips

THE SITE



PROPOSAL

Outline planning permission is sought for the erection of 1 dwelling, all matters reserved.

HISTORY

No relevant history.

DEVELOPMENT PLAN

Outside of a settlement limit and within Special Landscape Area. Policies PS1, GDP1, EC5, EC6, H5 and T8 apply.

CONSULTATIONS

Community Council: The Community Council wishes to object to the above proposed development on the following grounds:
1. The site lies within a special landscape area.

	2. The WCBC unitary plan clearly states: “Bettisfield is a very small hamlet with no street lighting, no mains gas, no main sewage and with no services or facilities. There is a serious lack of infrastructure and no further building, especially housing, should take place.”
	3. The water table is very high and the fields around this site are flooded regularly.
	4. The Cadney itself is in a bad state of repair with parts of the road sinking.
	5. Support for this could give rise to further applications. It was also pointed out that as this application is for outline planning permission, it could be changed to more than one dwelling if the application is approved.
Local Member:	Notified 22/04/2021
Highways:	No objections
Public Protection:	Advisory notes recommended.
Contaminated Land:	Conditions required
NRW:	Have significant concerns
Welsh Water:	No comments
Neighbours:	The owners/occupiers of 4 nearby properties notified 29/04/2021 2 objections received expressing the following concerns:
	• High water table; • Proximity to a drain; • Restrictions imposed on the land; • The current plan takes precedent until a new one is agreed; • Access • Concrete base may have been built in contravention of terms of purchase; • No facilities; • Roads are in a poor state of repair. • Village cannot sustain more property on green land.

SPECIAL CONSIDERATIONS

Policy: The site lies outside of a settlement limit and is therefore in an area where policies impose strict controls over new residential development. 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 proposal is for a new build dwelling therefore a) and b) are not applicable. In respect of c), the provisions of policy H5 in respect of infill are now out of date in light of Planning Policy Wales 11, specifically paragraph 3.60 (see below). Even if this were not the case, paragraph 6.13 of the Unitary Development Plan (UDP) defines infill as the erection of up to two dwellings in a gap within a well developed built frontage. Further detailed advice is given on this matter in Local Planning Guidance Note 13: Housing in the Countryside. Whilst there are 4 dwellings fronting the highway immediately to the south of the site, they do not, in my opinion, give the impression of being a well developed built frontage but instead constitute a small cluster of sporadic rural development. Even if this were not the case, the site does not constitute a small gap within a built frontage because it is not bounded by built development on both sites. The proposals are therefore not infill development.

The site is not adjacent to an existing settlement limit and there is no suggestion in the supporting documentation that dwelling will be an affordable house as defined in Technical Advice Note 2, therefore d) is not applicable. In any case, proposals for affordable housing would need to comply with policy H8. Even if the proposals were for an affordable dwelling, policy H8 requires rural affordable sites to be form a logical extension to the existing settlement limit. Paragraph 10.13 of TAN2 provides similar advice, stating that rural exception sites should be on land within or adjoining settlements. Even if a local need for affordable housing were to be established, the site lies some 130 metres outside of the settlement limit of Bettisfield. As such it does not accord with policy H8 or advice in TAN2.

No details have been provided to demonstrate that the dwellings would be required in conjunction with the operation of a rural enterprise. No such business appears to be operating from the site or on adjacent land, therefore there is no essential requirement for the development to accommodate rural enterprise works and accordingly e) is not applicable.

In light of the above the proposals represent a clear conflict with policy H5.

The Wrexham Unitary Development Plan (UDP) covers the period 1996-2011 so it is now time expired although it remains the operational development plan for the purposes making planning decision until the Wrexham Local Development Plan is adopted. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan in force in the area unless material considerations indicate otherwise. It is necessary to consider whether there are considerations that outweigh conflict with UDP policies.

Delivery of housing is, in Wrexham's case monitored using the Average Annual Requirement (AAR) as set out 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 development will make only a very small contribution to the supply of housing land. The policy position in the LDP in respect of housing in the countryside is also broadly similar to that in policy H5. Furthermore despite the age of the UDP, policy H5 is also broadly consistent with PPW11, with the exception of its provisions in respect of infill.

PPW11 paragraph 3.39 advises that in rural areas development should be located in settlements that have relatively good accessibility by non-car modes. Paragraph 3.60 confirms that development in the countryside should be located **within and adjoining** those settlements where it can be best accommodated in terms of infrastructure, access, habitat and landscape conservation.

As already noted above, the site lies some distance outside of the settlement limit. Furthermore, Bettisfield is also a small rural settlement lacking in local services. Future occupiers would be entirely reliant upon the private car for all essential and non-essential journeys. The site is therefore an inappropriate and unsustainable location for new residential development.

Despite the fact that there are dwellings on the land to the south, the proposals would have an urbanising effect on the rural landscaping and would represent an undesirable intrusion of urban development into the rural landscape and Special Landscape Area, thus conflicting policies GDP1 and EC5 of the Wrexham Unitary Development Plan.

In light of the above, in addition to the conflict with UDP policies, the proposals represent a clear conflict with PPW11

Drainage: No detailed information has been submitted in respect of foul drainage. Whilst the applicant has indicated an intention to use a sewage treatment plan and septic tank, insufficient information has been submitted to demonstrate that the proposals will not adversely impact upon the water environment and as such it is not possible to conclude the proposals will comply with policy GDP1(f) in respect of safeguarding the environment from pollution of water.

Protected Species: The application is not accompanied by any initial habitat assessments. The applicant was advised at pre-application stage that an ecology report should be submitted, together with details of any mitigation as may be necessary.

In the absence of an ecology report it is not possible to conclude that the development will not adversely impact upon protected species, or that any impacts can be effectively mitigated. As such the proposals do not accord with policy EC6.

CONCLUSION

The site lies outside of a settlement limit and in open countryside and is therefore an inappropriate location for residential development. Furthermore the development will represent an undesirable and harmful intrusion into the rural landscape and Special Landscape Area. As such the proposals do not accord with policies PS1, GDP1,

EC5 and H5 of the Wrexham Unitary Development Plan, as well as paragraphs 3.39 and 3.60 of Planning Policy Wales.

In addition, insufficient information has been submitted to demonstrate that the development will not give rise to pollution or water and will not adversely impact upon statutorily protected species. As such it also conflicts with policies GDP1(f) and EC6.

APPENDIX 2: SCHEDULE OF SUGGESTED CONDITIONS

CONDITION(S)

1. Approval of the following details (hereinafter called "the Reserved Matters") for each phase of the development shall be obtained from the local planning authority before any part of the development in that phase is commenced:
 - a. the layout of the building(s) to be erected
 - b. the scale of the building(s) to be erected
 - c. the appearance of the building(s) to be erected
 - d. the means of access to the site and building(s)
 - e. the landscaping of the site

Reason: To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2. Plans and particulars referred to in conditions 1 shall be submitted in writing to the local planning authority before the expiry of 2 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission or two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990.