



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 20/09/21

gan R Duggan BSc (Hons) DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19.11.2021

Appeal Decision

Site visit made on 20/09/21

by R Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 19.11.2021

Appeal Ref: APP/H6955/A/21/3277974

Site address: Happy Days Coaches, Mill Lane, Little Green, Wrexham SY13 3HQ

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 Morgan Lloyd Austin Happy Days Coaches Retirement Benefit Scheme against the decision of Wrexham County Borough Council.
 - The development proposed is described as *"Removal of existing depot buildings, to be replaced by the erection of 9 detached dwellings; to include access matters only"*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters except for access reserved for later determination. The Appellant has provided the scale parameters for the proposed dwellings as follows: height ranging from 6 - 8.5 metres; width 5.3 – 10.9 metres and length 4.6 – 8.2 metres. The Council had regard to these details in its determination of the outline application and I have taken them into account in my consideration of the appeal. A site plan showing the layout of the proposed 9 dwellings has also been submitted which I have treated as being for illustrative purposes only as layout is a reserved matter.

Main Issue

3. I consider the main issue to be whether the location of the proposed development is appropriate having regard to national and local planning policies which aim to promote sustainability.

Reasons

4. The appeal site comprises a coach depot extending to approximately 0.4 hectares which contains a large storage building along the frontage with three smaller ancillary storage and office buildings along the southern boundary. The site lies adjacent to Mill Road on its eastern boundary whilst the remaining boundaries face onto open agricultural fields. The site is located within open countryside outside any of the development limits designated within the extant Wrexham Unitary Development Plan 1996-2011 (UDP), which despite being 10 years beyond its end date remains the
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adopted development plan. A replacement Local Development Plan (LDP) has been the subject of an examination and is nearing completion.

5. The UDP sets out a spatial strategy aiming to direct development to sustainable locations and a presumption against development in the countryside. UDP Policy PS1 states that new development for housing will be directed to within defined settlement limits. Policy H5 states that new dwellings will only be permitted outside settlement limits in certain circumstances. The proposal does not meet any of those circumstances. The aim of these policies to promote a reduction in car reliance accords with National policy guidance contained within Planning Policy Wales (PPW).
6. PPW restricts new building outside settlement limits unless it is justified as an exception to the policy of restraint. It goes on to advise that in rural areas most new development should be located within settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.
7. The site is located in the rural settlement of Little Green which is approximately 1km north-west of Bronington. The village of Bronington contains a small village store and a primary school and is connected to the site via Mill Lane which is a relatively narrow highway with no pedestrian footway. Although future residents of the proposed development could shop at the village store and their children could attend the school, the distance separating the appeal site from the settlement, combined with the narrow, lightly lit road and absence of pedestrian footways, means that walking would not be a viable option for most prospective residents. Whilst it is close enough to cycle the narrowness of the road and the limited amount of light during winter months would limit the use of this option for most people.
8. The nearest larger settlements to the appeal site are Whitchurch, which is approximately 7km away, and Wrexham approximately 18 km from the site. These towns provide the public transport connections and several of the services and facilities that prospective residents are likely to access on a frequent basis. Whilst I note that there are informal bus stops along the site frontage providing a two hourly bus service, there would be a high probability that residents of the development would need to drive into Whitchurch and Wrexham to access employment opportunities and the main services and facilities they would need for their day to day living requirements. Once in their cars, the potential for travelling further afield to access additional basic services would be enhanced, particularly given the limited number of services closer to the appeal site.
9. Notwithstanding the fact that the site can be regarded as previously developed land¹, I have had regard to the isolated location of the site in terms of its remoteness from public services and facilities such as shops, employment areas, leisure and health facilities. Given the distance between the site and the nearest main settlements and the nature of Mill Lane, it is highly likely that the occupiers of the proposed dwellings would be heavily dependent on the private car for most services and facilities, which would be in conflict with PPW and the policies of the development plan.
10. The Appellant has referred to the lack of a 5-year housing land supply (HLS) within the County and argues that this under delivery of housing by the Council should carry significant weight in the determination of the appeal.

¹ Previously developed land definition, PPW, page 37

11. On 26 March 2020 the Minister for Housing and Local Government announced² that with immediate effect, the five-year housing land supply policy in Planning Policy Wales (PPW) had been replaced by a policy statement making it explicit that the housing trajectory, as set out in adopted Local Development Plans would be the basis for monitoring the delivery of development plan housing requirements as part of LDP Annual Monitoring Reports. The Minister also revoked Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies.
12. The changes to PPW and revocation of TAN1 in March 2020 have not reduced the importance of delivering new housing, but the way delivery is planned, measured and monitored. PPW states that the planning system must identify a supply of land to support the delivery of the housing requirement and focus on the delivery of the identified housing requirement³. Paragraph 4.2.10 of PPW expands on this, stating that the supply of land to meet the housing requirement proposed in a development plan must be deliverable, with the ability to deliver such requirements demonstrated through the use of a housing trajectory. This is a clear indication that the WG is committed to ensuring that the planning system delivers the housing that Wales needs and that under delivery is a material consideration.
13. Notwithstanding the revocation of TAN 1 and changes to PPW, it is obvious that the extent of the shortfall is significant in terms of the amount and length of time the County has suffered from an inadequate housing land supply. The Council will not be able to demonstrate that it can provide a supply of land to meet the County's housing requirement as required by PPW until the emerging LDP is adopted. I afford this significant weight in the determination of the appeal proposals. However, even if there is not a 5 year supply of deliverable housing sites, PPW is clear that housing developments should be considered in the context of the presumption in favour of sustainable development.
14. As a result of this, I find that local services would not be readily accessible from the appeal site, even taking account of supermarket deliveries which may not appeal to all. The new housing would result in an increased reliance on the private motor vehicle to access even basic services. The new houses would be of limited appeal to those in the community who did not enjoy that type of personal mobility. They would be in a location that is isolated from the main basic services and facilities required to serve the day-to-day needs of the scheme's future residents. This would conflict with the social and environmental roles of sustainability. I therefore conclude that the development is inconsistent with housing policy and the principles of sustainable development set out within PPW and Policies PS1, PS4 and H5 of the UDP.

Other Matters

15. The site is located within the River Dee and Bala Lake Special Area of Conservation (SAC). NRW has recently issued a Planning Position Statement and accompanying Interim Planning Advice in respect of the impact of development on phosphate levels within the catchment areas of riverine Special Areas of Conservation (SACs). Where there is a likely significant effect on a failing riverine SAC, the decision maker as the competent authority is required to carry out an Appropriate Assessment. In determining this appeal, I now fall to be the competent authority.

² WG Letter to LPAs dated 26 March 2020 refers.

³ Paragraph 4.2.2

16. The Appellant states that the nearest sewer is some 665m to the east of the site and is, therefore, not available to connect into development. As such, there is the possibility of employing a private sewerage system for the proposed development.
17. The nature of the development has the potential to increase phosphate levels entering the SAC. However, in this instance I have not sought the views of the parties or NRW to inform a screening as to whether there would be a likely significant effect on the qualifying features of any SAC as I have found the development unacceptable on other grounds. Even should the development be acceptable with regard to its effect on any SAC this would not outweigh my conclusions on other grounds.

Conclusions

18. The provision of much needed housing in the County would provide significant social benefits. This is even more pertinent set against the background that there is a shortfall in the housing supply within the County and the lack of housing delivery over the Development Plan period. As such this site would make a contribution of 9 dwellings to the housing supply to which I have attributed significant weight. In addition, a development of this scale on previously developed land will in the short term bring economic benefits through construction, with further social and economic benefits later on, to which I afford moderate weight in considering my decision.
19. Whilst I have taken these benefits into account in my decision and carefully considered the various arguments made by the Appellant in support of the appeal, I conclude that together, they do not clearly outweigh the conflict with national policy guidance on sustainability and the Council's housing policies which is a compelling reason to dismiss the appeal.
20. Having regard to the above and considered all other matters raised, I conclude that the appeal should be dismissed.
21. 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 that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive, resilient, healthier and equal communities.

R Duggan

INSPECTOR