

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL**

LPA REF: P/2018/0342

**LAND AT LOWER HONKLEY FARM
STRINGERS LANE
BURTON ROSSETT
WREXHAM
LL12 0AP**

WRITTEN STATEMENT OF CASE

OCTOBER 2018



Geraint John Planning

EXECUTIVE SUMMARY

The proposed development seeks planning permission for the construction of 5 dwellings along with access, car parking, landscaping, drainage and associated engineering works.

Wrexham County Borough Council's reference for the application is P/2018/0342. The application was validated on 23rd April 2018 and was refused by the Council on 4th June 2018. There were two reasons for refusal included on the decision notice which stated:

- 1. The site is located outside settlement limit as defined in the Wrexham Unitary Development Plan and within a Green Barrier. The proposed development is therefore does not accord with policies PS1, EC1 and H5 of the Wrexham Unitary Development Plan.*
- 2. The development by virtue of its scale and appearance will detract from the setting of Lower Honkley Farm, a Grade II listed building, and the rural character of the site and its immediate locality. The proposals therefore conflict with policies GDP1 and EC9 of the Wrexham Unitary Development Plan.*

The proposed development is considered to be an acceptable form of development for the following reasons:

- The merits of the application should be considered in the context of the UDP being time-expired and the Council being unable to demonstrate a 5 year housing land supply.
- Although the site lies within the Green Barrier, the site is located at the edge of the Green Barrier and is not near any adjoining settlements. This should be a consideration when considering the redevelopment of the site, along with the context of the built development around it and its brownfield nature;
- An assessment of the purposes of the Green Barrier has been undertaken and it is not considered that the site serves any of the purposes within the supporting policy text at paragraph 5.2;
- The proposed development would be well within the scale of the previous footprint of the former industrial buildings at the site and represents only a small proportion of the previously developed area. As such, the proposed development should be regarded as being acceptable within the context of the footprint of previously built development at the site;
- The proposed development would significantly enhance the setting of the listed Lower Honkley Farmhouse and general views of the countryside in and around the site;
- The site can be appropriately accessed and the required visibility splays can be achieved at the site. Adequate car parking can also be accommodated on site;
- The previously approved scheme was recognised as being sympathetically designed to significantly enhance the setting of the farmhouse. The current proposal has further enhanced aspects of the approved scheme to ensure that the Listed Building's historic integrity and identity is fully respected.
- The benefits of the reuse of brownfield land and increase in the housing land supply would outweigh any harm arising from conflict with the Development Plan, given the limited weight which can be afforded to these time expired policies.

Overall, the appellant considers that there are no technical constraints to the redevelopment of this site. The Local Planning Authority has confirmed that permission P/2002/1333 remains extant and therefore the principle of residential development at the site is considered to be acceptable and established. Accordingly, the planning application should be considered favourably by the local planning authority and planning permission granted for proposed development.

CONTENTS

CHAPTER 1	Introduction
CHAPTER 2	Site Context
CHAPTER 3	Proposed Development
CHAPTER 4	Planning Policy Context
CHAPTER 5	Appellant's Case: Reasons for Refusal
CHAPTER 6	Summary and Conclusions

APPENDICES

Appendix A	LPA Ref: P/2018/0342 - Decision Notice
Appendix B	Planning Officer's Delegated Report

1.0 INTRODUCTION

Purpose of Statement

- 1.1 This Written Statement has been prepared on behalf of Mr N Darlington (the Appellant). It sets out the Appellant's statement of case against Wrexham county Borough Council's refusal to grant full planning permission for the following:

'Proposed residential development of 5 no. dwellings, access, car parking, landscaping, drainage and associated engineering works.'

- 1.2 Wrexham Council's reference for the application is P/2018/0342. The application was validated on 23rd April 2018 and was refused by the Council on 4th June 2018.

- 1.3 A copy of the Decision Notice is provided in **Appendix A**. There were two reasons for refusal included on the Decision Notice which state

1. *The site is located outside settlement limit as defined in the Wrexham Unitary Development Plan and within a Green Barrier. The proposed development is therefore does not accord with policies PS1, EC1 and H5 of the Wrexham Unitary Development Plan.*
2. *The development by virtue of its scale and appearance will detract from the setting of Lower Honkley Farm, a Grade II listed building, and the rural character of the site and its immediate locality. The proposals therefore conflict with policies GDP1 and EC9 of the Wrexham Unitary Development Plan.*

Structure of this Submission

- 1.4 This Written Statement sets out the Appellant's case. The Written Statement is structured as follows:

- Section 2: outlines the context of the site and its surroundings;
- Section 3: describes the proposed development;
- Section 4: outlines the key planning policy context;
- Section 5: outlines the Appellant's case;
- Section 6: provides a conclusion to this Written Statement.

2.0 THE APPEAL SITE

Introduction

- 2.1 This section of the Written Statement describes the appeal site and the surrounding area.

Site and Surroundings

- 2.2 The site is approximately 0.42 hectares (1.04 acres) in extent and is in the ownership of the applicant. The site is situated on the northern side of Stringer's Lane in the community area of Burton Rossett near Wrexham.



Aerial View of the Site and Surrounds

- 2.3 Lower Honkley Farm, a Grade II listed former farmhouse and its associated access and garage immediately adjoins the western boundary of the site. Lower Honkley Farm was previously derelict but has been extensively restored and refurbished by the Applicant. The photographs below illustrate the condition of the building before restoration.



Historic Views of the Site, Illustrating the Extent of Dilapidation of the Grade II Listed Building

- 2.4 The farmhouse is now occupied as a dwelling. The building remains in the ownership of the Applicant, but is leased to a tenant. The photographs below illustrate the condition of the building after restoration.



Recent Views of the Site, Illustrating the Extent of the Works Undertaken to the Buildings

- 2.5 The site is predominantly flat and comprises the site of the former Lower Honkley Engineering and Marine works, which the Applicant advises operated at the site since the 1950s until the business went bankrupt in the late 1990s. The buildings were subsequently leased to Kingcrete Concrete Products.
- 2.6 The industrial buildings associated with the works were demolished for safety reasons and in accordance with planning permission P/2002/1333 for the demolition of redundant industrial unit and erection of 3 residential units. Rubble mounds associated with the demolition of the buildings are still present on site. In addition, two sheds remain on site in the northern corner and along the frontage with Stringers Lane. Given the former industrial use of the site, it is considered that the site comprises previously developed land.



Site Access off Stringer's Lane

- 2.7 Vehicular access to the site is currently provided directly off Stringer's Lane.

The Surroundings

- 2.8 A number of residential properties are situated immediately to the south of the site including Cherry Tree Cottage and a sizeable cluster of dwellings at Honkley Hall Cottages. A pair of semi-detached properties are situated a short distance along Stringer's Lane to the north of the site. Burton Lodge Farm and Honkley Hall, plus associated farm and outbuildings are located further to the north.

Site Planning History

- 2.9 A planning history search has been undertaken via Wrexham County Borough Council's online planning service. This has identified that the site has been subject to one historical planning application:

Application Reference	Site Location	Decision	Decision
P/2017/0072	Erection of 5 dwellings	Refused	25.04.2017
P/2015/0045	Listed Building Consent for Repair of Defective Oak Beam, Reinstatement Of Oak Window Lintols and Installation of Slimlite Glazing Units and Other Alterations, I.E. Use of Stitching Bars	Approved	23.01.2015
P/2014/0589	Listed Building Consent to Install Internal Wall / Roof Insulation	Approved	07.08.2014
P/2009/0952	Listed Building Consent For Repair And Refurbishment	Approved	19.11.2009
P/2009/0902	Refurbishment Of Farmhouse And Erection Of New Garden Wall/Fence	Withdrawn	
P/2009/0562	Listed Building Consent For Refurbishment Of Farm House	Withdrawn	

P/2008/0135	Residential Development For 5 No Two Storey Detached Dwellings With Detached Garage	Refused	08.02.2008
P/2008/0126	Listed Building Consent for Refurbishment Of Farmhouse	Refused	07.02.2008
P/2002/1333	Demolition of redundant industrial unit and erection of 3 residential units	Approved	10.01.2005

2.10 The most relevant decisions to the current application at the site are:

- P/2017/0072 Erection of 5 dwellings; and
- P/2002/1333 Demolition of redundant industrial unit and erection of 3 residential units.

2.11 Full details of the planning history for the site are contained within the Planning Statement which formed part of the application.

3.0 PROPOSED DEVELOPMENT

Introduction

- 3.1 An application for full planning permission was validated by Wrexham Council on 23rd April 2018 for the following proposed development:

'Proposed residential development of 5 no. dwellings, access, car parking, landscaping, drainage and associated engineering works.'

- 3.2 The Council reference for the application is P/2018/0342. The application was refused by the Council via delegated powers on 4th June 2018.

Proposed Development

- 3.3 The proposed development comprises five dwellings and associated car parking, including oak framed garage structure. The proposed dwellings would be one and half storeys in scale, set within the site in an L-shape courtyard style arrangement. An extract of the proposed layout for the site is provided below. The site plan indicates the outline of the demolished commercial units which previously stood at the site, shown in blue dotted line. The outline of the approved residential scheme granted under application reference: P/2002/1333 is shown as a purple dotted purple line.



Proposed Site Layout (Dwg Ref. 5371 – 102 Rev X)

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- 3.4 The existing hedge would be replanted behind a new visibility splay in each direction. The existing access off Stringers Lane would be used to serve the new residential development.
- 3.5 The dwellings would comprise 3 bedrooms properties which have been designed to reflect the character of the original listed cottage and the surrounding barns, noticeably the barn conversion 200 metres away on Stringers Lane. This scheme has also been designed to meet appropriate separation distances and to avoid any harm by way of overlooking to adjoining property. The dwellings ridge height is set lower than that of the adjacent listed building and recently built oak frame garage. The low roof design provides room in the loft accommodation to the first floor. The ground floor accommodation is laid out around a central circulation zone, living room to one direction and kitchen and dining space to the opposite.
- 3.6 The external materials chosen for the scheme, match that of the local area and would be as follows:
- Facing brick to the external walls.
 - Slate roof finish.
 - Painted timber doors and windows.
 - Heritage style rain water goods.
- 3.7 The courtyard area would comprise Marshalls York Stone paving. A detached garage would be erected along the southern boundary providing 5 parking spaces, one allocated to each dwelling. An additional parking space would be provided in front of each dwelling within the site, giving each dwelling 2 off-street parking spaces. Car parking is provided at a level that is compliant with the Council's approved standards. The garage design include an exposed oak frame to the front elevation and open bay arrangement, the side and rear will be clad in horizontal timber boarding to soften the impact of the structure the open countryside. The rainwater goods will match the proposed dwellings with heritage style finish.
- 3.8 The boundary treatment to the site will be post and rail fence to retain the open country side, with new hedges planted to perimeter of the site. The curtilage of each property will be separated with 1200mm high facing brick boundary walls.
- 3.9 The proposed site layout plan shows how the dwelling would sit comfortably within the site and are of a scale consistent with the other properties in the immediate vicinity.

4.0 PLANNING POLICY CONTEXT

Introduction

- 4.1 A review of the planning policy context associated with the site and proposed development (at the national and local level) is provided within this section of the Appeal Statement.

National Planning Policy

- 4.2 The following policy / guidance documents prepared at the national (Welsh Government) level are of relevance to the determination of the application.

Wales Spatial Plan

- 4.3 People, Places, Futures The Wales Spatial Plan (WSP) Update 2008 was approved by the National Assembly for Wales in July 2008. The Wales Spatial Plan aims to deliver sustainable development through its area strategies in the context of the Welsh Government's Sustainable Development Scheme and sets out cross-cutting national spatial priorities. The site lies within the North East Wales Border and Coast region. The Wrexham/Mold/Deeside/Chester area is identified as a strategic hub with a priority for sustainable development in this cross border area. In particular, Paragraph 16.55 of the WSP states that it is particularly important for North East Wales to offer a very high quality environment with a unique sense of place where people will want to live, work and play.

Planning Policy Wales (9th Edition, November 2016)

- 4.4 Planning Policy Wales (PPW) forms the overarching national planning policy document for Wales and sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs). PPW provides guidance on a range of land use planning matters. Relevant aspects of PPW to the proposed development are summarised as follows:

Sustainable Development

- 4.5 The Welsh Government has a statutory duty in relation to sustainable development as set out in Paragraph 4.1.2 of PPW. The planning system also provides for a presumption in favour of sustainable development (Paragraph 4.2.2). Paragraph 4.4.3 sets out a series of objectives which development proposals should seek to achieve. The following objectives are of relevance to the proposed development:
- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl;
 - Play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities including water supplies, sewerage and other infrastructure;
 - Ensure that development does not produce irreversible harmful effects on the natural environment and support measures that allow the natural heritage to adapt to the effects of climate change;

- Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare;
- Locate developments so as to minimise the demand for travel, especially by private car;
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs, in safe neighbourhoods; and
- Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.

- 4.6 Figure 4.4 of PPW provides a definition of previously developed land. It defined previously developed land as,

"that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure."

- 4.7 Although the industrial buildings at the site have been demolished, it is considered that the site still falls within the definition of previously developed land. Evidence of spoil from the demolition is still present on site and two sheds remain on site. The site has not naturally re-vegetated and there is no nature conservation value of note. As such, it is clear that the site still comprises previously developed land.

- 4.8 Paragraph 4.5.1 of PPW notes that tackling climate change is a fundamental part of delivering sustainable development. PPW also notes the importance of planning for the consequences of climate change (Paragraph 4.5.8), including reducing the vulnerability of the natural environment and built environment to climate change. In this respect, Paragraphs 4.12.2 and 4.12.3 of PPW confirm that development proposals must mitigate the causes of, provide effective adaptation to and resilience against the current and predicted future effects of climate change, for example by incorporating green space to provide shading and sustainable drainage systems to reduce run-off.

Good Design

- 4.9 PPW also seeks to promote sustainability through good design. Paragraphs 4.11.1 and 4.11.2 of PPW provide the following definition of design:

"Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings."

Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life..."

- 4.10 Paragraphs 4.11.4 – 4.11.12 provide guidance on the requirements of good design. These include:

- Inclusive and accessible design;
- Promoting the efficient use of resources including land;

- Tackling the causes and providing effective adaptation to the effects of climate change;
- Offering high environmental quality, including open and green spaces; and
- The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions;

Natural Heritage

- 4.11 Chapter 5 of PPW sets out the Welsh Government objectives and guidance on natural heritage. Relevant objectives include promoting the conservation of landscape and biodiversity, in particular the conservation of native wildlife and habitats and safeguarding protected species.
- 4.12 Paragraph 5.1.3 of PPW notes that a key role of the planning system is to ensure that society's land requirements are met in ways which do not impose unnecessary constraints on development whilst ensuring that all reasonable steps are taken to safeguard or enhance the environment. It further notes that conservation and development can often be fully integrated. With careful planning and design, not only can the potential for conflict be minimised, but new opportunities for sustainable development can also be created. Paragraph 5.1.4 notes the importance of biodiversity and landscape considerations being taken into account at an early stage in development management. Paragraph 5.5.1 notes that in the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and communities. Where development does occur it is important to ensure that all reasonable steps are taken to safeguard or enhance the environmental quality of land.

Transport

- 4.13 In terms of transport, Paragraph 8.1.4 of PPW states that the Welsh Government supports a transport hierarchy in relation to new development that establishes priorities in such a way that, wherever possible, they are accessible in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles. In particular, Paragraph 8.1.5 of PPW notes that land use planning can help to achieve the Welsh Government's objectives for transport through: reducing the need to travel, especially by private car, by locating development where there is good access by walking, cycling and public transport.

Housing

- 4.14 With regard to housing, Paragraph 9.1.1 states that the Welsh Government will seek to ensure that:
- new housing and residential environments are well designed; and
 - the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.
- 4.15 Paragraph 9.1.2 of PPW states that local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote:

- mixed tenure communities;
- development that is easily accessible by walking, cycling and public transport;
- attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;
- greater emphasis on quality, good design and the creation of places to live that are safe and attractive; and
- the most efficient use of land;

- 4.16 New housing developments should be well integrated with and connected to the existing pattern of settlements (Paragraph 9.3.1). Paragraph 9.3.4 states that, local planning authorities should ensure that the proposed development does not damage an area's character and amenity and that high quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

The Historic Environment

- 4.17 Chapter 6 of PPW provides national planning policy on the historic environment. Paragraph 6.2.1 states that it is important that the historic environment is protected, managed and conserved. The Welsh Government's objectives are to:

- conserve and enhance the historic environment, which is a finite and non-renewable resource and a vital and integral part of the historical and cultural identity of Wales;
- recognise its contribution to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life, and its importance as a resource to be maintained for future generations; and
- base decisions on an understanding of the significance of Wales' historic assets.

- 4.18 Paragraph 6.5.11 of PPW states that there should be a general presumption in favour of the preservation of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. It further states that the application of development and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future.

- 4.19 Paragraph 6.5.29 of PPW refers to enabling development. It states that enabling development can deliver substantial heritage benefit that would be contrary to other objectives of national or local planning policy. Such development may be appropriate if the public benefit of rescuing, enhancing, or even endowing an important historic asset decisively outweighs the harm to other material interests. Tests setting out when enabling development might be acceptable are given in Cadw's Conservation Principles. Enabling development must always be in proportion to the public benefit it offers. Paragraph 6.5.30 states that when considering a scheme of enabling development, planning permission should be granted only if:

- the impact of the development was precisely defined in the application at the outset, and normally through the granting of full, rather than outline, planning permission;
- the achievement of the heritage objective is securely and enforceably linked to the enabling development;

- the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation of the enabling development; and the local planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

Local Planning Policy

Wrexham Unitary Development Plan (adopted 2005)

- 4.20 The Local Plan Proposals Map (below) shows the site's location within the adopted Plan:



Wrexham UDP Proposals Map Extract: Site Shown in Red

Key

	Green Barrier Policy EC1
	Special Landscape Area Policy EC5
	Development and Flood Risk Policy EC12
	Protection of Mineral Resources Policy MW9

- 4.21 The proposals map extract confirms that the site is located within a Green Barrier.

Relevant LDP Policies

- 4.22 The key planning policies (as contained within the adopted LDP) of relevance to the development of the site are summarised below:

Ref.	Title	Summary
	Planning Strategy: Growth Strategy and Housing	Paragraph 3.4 of the UDP states that the growth strategy seeks to safeguard the amenity of settlements and secure economy and efficiency in the use of land resources through the regeneration of built-up areas together with limited outward growth. In terms of housing, Paragraph 3.7 states that the housing element of the

Ref.	Title	Summary
		strategy seeks to make optimum use of previously developed or vacant land; to make use of spare capacity in infrastructure and services; and to focus on locations with reasonable public transport, walking and cycling links.
Policy EC1	Green Barriers	Within Green Barriers, development will only be granted planning permission if it is for agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain the openness of the Green Barrier and do not conflict with the purpose of including land within it. The accompanying text to Policy EC1 Paragraph 5.2 states that the purposes of a Green Barrier include: i) to prevent the coalescence of urban areas and villages with other settlements; ii) to assist in safeguarding the countryside from encroachment; iii) to protect the setting of urban areas and villages; iv) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
Policy PS1	Strategic Policy The Broad Location of Development	New development for housing, employment, and community services will be directed to within defined settlement limits/employment areas.
Policy PS2	Strategic Policy The Broad Location of Development	Development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment.
Policy PS3	Strategic Policy The Broad Location of Development	Development should use previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of greenfield land, wherever possible, particularly so where greenfield land is of ecological, landscape or amenity value, or comprises agricultural land of grades 1, 2 or 3a quality.
Policy PS4	Strategic Policy The Broad Location of Development	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.
Policy GDP1		All new development should: a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality. b) Take account of personal and community safety and security in the design and layout of development and public / private spaces. c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources. d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality. e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible. f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development. g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost. h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest. i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site. j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.

Ref.	Title	Summary
		k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.
Policy EC4	Hedgerows, Trees and Woodland	Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape. Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted.
Policy H5	Housing in the Countryside	Outside defined settlement limits new dwellings will only be permitted where: a) proposals accord with Policies H3, H4, and H8; or b) proposals comprise infilling subject to Policy GDP1; or c) an essential need to house a full time agricultural or forestry key worker can be established and i) the long term financial viability and functional management of the enterprise is proven; and ii) the person, due to the nature of the work, has to live on the site rather than in a nearby settlement; and iii) there are no suitable buildings nearby which could be converted into a dwelling; and iv) the new dwelling is sited adjacent to an existing building, can be landscaped, and is of a form, bulk, design and materials which reflect the locality's rural character. Any permission will be conditioned to limit residential occupancy to essential workers. The accompanying text to Policy H5 in Paragraph 6.12 states that, <i>"This policy is designed to prevent new housing in the form of isolated dwellings, the consolidation of sporadic groups, or the extension of ribbon development in the countryside as it would result in a loss of visual quality and landscape character and adversely affect agriculture."</i> (Policy H3 refers to the conversion of dwellings, Policy H4 refers to the sub-division of existing dwellings and Policy H8 refers to affordable housing exceptions and are not relevant in this case).
Policy EC9	Listed Buildings of Special Architectural or Historic Interest	Alterations or additions to, and development or redevelopment within the curtilage of, buildings or structures listed as of special architectural or historic interest must respect the setting and character of the listed buildings or structures. The accompanying text to Policy EC9, in Paragraph 5.11, states that new development affecting a listed building must be sympathetically designed so as not to harm the listed building's historic integrity and identity.
Policy T8	Parking	Development granted planning permission will be required to provide vehicle parking spaces either on site or nearby, in accordance with the Council's current parking standards

- 4.23 There is no requirement for the provision of affordable housing as part of the proposed development. Policy H7 of the adopted UDP states that provision of affordable housing would be required on housing proposals comprising 25 dwellings or more.

Emerging Planning Policy

- 4.24 The Council is currently preparing the Wrexham Local Development Plan (LDP) and has advised that the deposit version of the LDP will be published for public consultation in April 2018. The Preferred Strategy for the LDP was published in February 2016. The principle aim of the strategy is to contribute to sustainable development. In terms of the settlement

strategy, the Preferred Strategy states that development located outside of any defined settlement limit is classed as development in the open countryside. This will be strictly controlled and limited to essential development required for farm or forestry workers, small scale infill, rural conversions and affordable housing rural exception sites. In this case, it is considered that the proposal would be compatible with the principles of sustainable development, set out in the Preferred Strategy, in terms of the redevelopment of this previously developed site.

Supplementary Planning Guidance

4.25 The following published Supplementary Planning Guidance is considered to be relevant to the current application:

- Local Planning Guidance Note 13: Housing in the Countryside (2011); and
- Local Planning Guidance Note 30: Design (2009).

Summary

4.26 The comprehensive review of the planning policy context for the site can be summarised as follows:

- The proposed development represents a sustainable form of development comprising the re-use of this previously developed site. It can be adequately accessed and serviced and complies with the provisions of national planning policy on sustainable development;
- The Council has a zero housing land supply in the absence of an up to date development plan. The proposed development would contribute to the Council's small housing sites supply;
- The proposal would enhance the setting of the listed farmhouse and complies with the UDP's strategic policies on the use of previously developed sites;
- The proposed development is compatible with the Preferred Strategy of the emerging LDP.

5.0 THE APPELLANT'S CASE

Introduction

This Section sets out the Appellant's case. As previously outlined, planning permission was refused on 4th June 2018 under application reference P/2018/0342, for '*Proposed residential development of 5 no. dwellings, access, car parking, landscaping, drainage and associated engineering works*'.

5.1 The Decision Notice contains two reasons for refusal:

- 1. The site is located outside settlement limit as defined in the Wrexham Unitary Development Plan and within a Green Barrier. The proposed development is therefore does not accord with policies PS1, EC1 and H5 of the Wrexham Unitary Development Plan.*
- 2. The development by virtue of its scale and appearance will detract from the setting of Lower Honkley Farm, a Grade II listed building, and the rural character of the site and its immediate locality. The proposals therefore conflict with policies GDP1 and EC9 of the Wrexham Unitary Development Plan.*

Reasons for Refusal

5.2 The Council's reasons for refusal are considered in detail in this section as follows:

- The LPA's reason for refusal (as specified on Decision Notice);
- The Appellant's response; and
- Conclusions.

Refusal Reason 1

5.3 The first reason for refusal in relation to application reference P/2018/0342 is as follows:

- 1. The site is located outside settlement limit as defined in the Wrexham Unitary Development Plan and within a Green Barrier. The proposed development is therefore does not accord with policies PS1, EC1 and H5 of the Wrexham Unitary Development Plan.*

The Appellant's Response

5.4 In response to the first reason for refusal, it is considered that the pertinent issues are as follows:

- The principle of residential development at the site has been established by the 2002 Planning Permission (P/2002/1333);
- The Council does not have an adopted plan and, as such, the policies are 'time expired' and carry less weight;
- The Council is not able to demonstrate a 5 year land supply and weight should be afforded to the provision of additional housing due to this; and
- The site is a brownfield site, which is encouraged for re-use by national planning policy; and

- The proposal would not conflict with the purpose of the Green Barrier.

5.5 These key issues will be studied in more detail below.

Extant 2002 Planning Permission

- 5.26 Full planning permission for the demolition of a redundant industrial unit and erection of 3 residential units was granted by the Council on 10 January 2005. The Council has confirmed in Delegated Report prepared for the appeal application that permission reference P/2002/1333 remains extant and the applicant has permission for the erection of 3 dwellings at the site.
- 5.27 This forms a significant material consideration in the determination of this application as this forms a realistic and likely fall-back position which the applicant would use, should planning permission for the appeal scheme not be granted.
- 5.28 As such, it is considered that the principle of residential development at the appeal site has already been established by the implementation of Planning Permission reference P/2002/1333.

'Time-Expired' Local Plan

- 5.29 The first reason for refusal outlines that the development would not accord with policies PS1, EC1 or H5 of the UDP. These policies relate to development within settlement limits, appropriate development in Green Barriers and housing in the countryside respectively.
- 5.30 At present, the Council does not have an up to date Local Plan with the UDP having expired in 2011. PPW states at Para 2.14.4:

'It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted LDP are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).'

- 5.31 As outlined above, the Local Planning Authority were required to give the plan decreasing weight in favour of other material considerations, such as national planning policy and boosting the housing land supply.

5 Year Housing Land Supply

- 5.32 The Council acknowledge that they do not have a housing land supply. The Council's Housing Land Monitoring Statement, April 2017 states in Paragraph 1.1 that:

*"In the absence of an up-to-date Unitary Development Plan (UDP) and adopted Local Development Plan (LDP), in accordance with latest Welsh Government Guidance on Joint Housing Land Availability Studies (JHLAS), TAN1, January 2015, there is no requirement for a Local Authority to produce a JHLAS and the authority is considered to have **a zero land supply...**"*

- 5.33 TAN 1 refers to joint housing land availability studies (JHLAS) and the requirement for Local Planning Authorities to maintain a 5 year housing land supply. It sets out how an authority must act when it does not have a 5-year land supply.
- 5.34 On 18th July 2018 the Cabinet Secretary for Energy, Planning and Rural Affairs wrote to the Local Planning Authorities in Wales to confirm the immediate suspension of Paragraph 6.2 of TAN 1. This paragraph of TAN 1 required Local Planning Authorities to give 'considerable' weight to the need to increase the housing land supply, in circumstances where a 5 year housing land supply could not be demonstrated.
- 5.35 The letter confirms that *"it will be a matter for decision makers to determine the weight to be attributed to the need to increase housing land supply where an LPA has a shortfall in housing"*. As such, the letter confirms that the Local Planning Authority are still required to acknowledge any shortfall in the Housing Land Supply below the 5 year target and then determine the weight which should be afforded to such a shortfall in the decision making process.

The Impact on the Green Barrier

- 5.36 The first reason for refusal outlines that the development would not accord with Policy EC1 which relates to development within settlement limits, appropriate development in Green Barriers.
- 5.37 The supporting text to Policy EC1 states at Paragraph 5.2:
- 'There are several instances where existing settlements come into close proximity and there is a need to maintain a belt of countryside free from development. The purposes of a Green Barrier include:*
- i) to prevent the coalescence of urban areas and villages with other settlements;*
 - ii) to assist in safeguarding the countryside from encroachment;*
 - iii) to protect the setting of urban areas and villages;*
 - iv) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.'*

- 5.38 With this in mind, it is considered that the site does not serve to fulfil any of the purposes outlined within Paragraph 5.2. The site is not near any other existing settlements (i), it would not assist in safeguarding the countryside from encroachment as the site comprises previously developed land and already benefits from an extant planning permission (ii), the site's inclusion in the green barrier does not protect the setting of any urban areas or villages (iii) and, as the site is already brownfield, it is considered that it does serve the purpose of encouraging the recycling of derelict or urban land (iv). Therefore, it is not considered that the site's location satisfies any of the purposes of a Green Barrier and therefore should be considered as suitable for redevelopment accordingly.

Brownfield Site

- 5.39 It is acknowledged that the site does not lie within a defined settlement limit and, as highlighted above, lies within the Green Barrier. However, the site comprises previously developed land, the development of which would sustainably re-use the site, improve the neglected appearance of the site and considerably enhance the setting of the adjacent listed building. Paragraph 4.9.1 of PPW 9 outlines the preference in National Planning Policy for the re-use of brownfield land and states in paragraph 4.9.1:

"Previously developed (or brownfield) land (see Figure 4.4) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value."

- 5.40 In addition, this is re-affirmed under Policy PS3 of the Wrexham UDP which states: *"Development should use previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of greenfield land, wherever possible...."*. As such, the development would form the re-use of an existing brownfield site, which is fully supported by local and national planning policy.
- 5.41 In addition, the Council has confirmed, in its reason for refusal that the site benefits from extant planning permission ref. P/2002/1333 and as such, the principle of development at the site is already well established. A comparison exercise has already been completed within the original submission in order to demonstrate the extent of the original industrial buildings and the proposed level of development. This is summarised in the table below:

Building Footprint	Area (sqm)
Original industrial buildings	1112
Approved 3 dwellings (P/2002/1333)	350
Proposed 5 dwellings (current application)	742

- 5.42 This has been represented graphically on the site plan (with the blue dotted lines annotating the extent of the original industrial buildings at the site and the purple dotted lines indicating the layout approved under application reference: P/2002/1333). This clearly demonstrates that the proposed development would be well within the scale of the previous footprint of the former industrial buildings at the site and represents only a small proportion (43%) of the previously developed area. As such, the proposed development should be regarded as being acceptable within the context of the footprint of previously built development at the site.
- 5.43 It is therefore considered that this should be taken into account when assessing the merits of the application, particularly in that the proposed development in comparison to the original industrial buildings located on site. The proposed development is in fact of a lesser area than what was previously on site and this should be taken into consideration accordingly.

Interim Conclusion

- 5.44 As outlined above, in the absence of an up to date plan, decreasing weight should be afforded to the Policies of that plan.
- 5.45 In the Delegated Officer's Report prepared for the application the Officer notes that:
- "Given that existing settlement limits reflect the housing requirements identified in the UDP that were informed by migration led projecting, using mitigation trends from 1996. The LDP housing requirements and recognition that **these cannot be delivered without the release of land outside of existing settlement limits** means that policy PS1 is now outdated and therefore afforded limited weight in the determination of planning applications."* (our emphasis added)
- 5.46 The Officer continues to state that Policy H5 should be afforded weight in the determination of planning application for dwellings in the open countryside, given that it broadly accords with PPW advice that housing developments in such locations should be strictly controlled.

We would argue that these two points are counter-intuitive, as both policies seek to control development outside of settlement limits. As such, there is no clear rationale why limited weight should be afforded to one but not another, given that the Council acknowledge these policies are out of date and the plan did not deliver the required housing it set out to achieve. As such, we consider that limited weight should be afforded to both policies in this regard.

- 5.47 The proposed development seeks to re-develop a brownfield site which is an objective of both national and local policy. The re-development of the site will have social and economic benefits through providing an additional level of housing and boosting the housing land supply. As such, it is the appellant's position that the material benefits from the reuse of a brownfield site to provide additional housing would outweigh any conflict with Policies SP1 and H5 of the LDP, given the limited weight which could be afforded to these policies for the reasons outlined above.
- 5.48 In terms of the weight which should be afforded to Policy EC1, this designated areas of Green Barrier for the preservation of the open countryside. The LDP provides four purposes for designating areas of land as Green Barrier. It is the appellant's case that the development would not erode the Green Barrier or be contrary to purpose for designating the site as part of the Green Barrier. As such, given that this Policy is time expired, we consider that decreasing weight should be afforded to this policy in the decision making process and that the benefits associated to the development would outweigh any conflict in this regard.

Refusal Reason 2

- 5.49 The second reason for refusal in relation to application reference P/2018/0342 is as follows:

2. The development by virtue of its scale and appearance will detract from the setting of Lower Honkley Farm, a Grade II listed building, and the rural character of the site and its immediate locality. The proposals therefore conflict with policies GDP1 and EC9 of the Wrexham Unitary Development Plan.

The Appellant's Response

- 5.50 The appellant considers that the following are the key matters to raise in response to the second reason for refusal:
- The application site has an extant planning permission for 3 dwellings, so the proposal would only represent an increase of 2 dwellings;
 - The design for the proposals has taken into account its location and surroundings and has been designed accordingly;
 - The application site would see the re-use of an existing brownfield site which currently detracts from the setting of the listed building.

Increase from Extent Permission

- 5.51 As noted above, it is noted that the Officers Report states that '*the overall massing of the development is greater than the extant permission*'. However, it should also be noted that the previously proposed and consented development would not exceed the footprint area of the previous industrial buildings at the site.

The Design of the Proposals

- 5.52 It is acknowledged that, when making a decision on a planning application for development that affects a listed building or its setting, the LPA must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. It should be noted that this proposal has been fully researched and designed to ensure that it respects the setting of Lower Honkley Farm and to ensure that any harm is avoided, but also to enhance that setting, which the recently repaired and refurbished farmhouse fully requires.
- 5.53 The scheme has been carefully designed to ensure that the proposals are both fitting with the rural location and in conjunction with Lower Honkley Farm. The full arrangement of the proposal follows the theme of the approved plan (P/2002/1333) but by enhancing the sense of courtyard enclosure it is in a less urban form. The sense of enclosure is completed by a detached oak framed garage block on the south east boundary, in a similar position to the approved layout.
- 5.54 It is important to note that design inspiration has also been taken from local references, particularly the barn conversions nearby on Stringers Lane, to ensure that not only is the proposal compatible with the adjacent farmhouse but also complements characteristics in a wider context. It is therefore considered that the development accords with Policy EC9 which states that redevelopment within the curtilage of buildings or structures listed as of special architectural or historic interest must respect the setting and character of the listed buildings or structures.
- 5.55 The second reason for refusal states that the proposals are not in accord with Policy GDP1. In order to assess the proposals against the policy, the requirements of the policy have been extracted into the table below:

Policy GDP1

<i>All new development should:-</i>	
<i>a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.</i>	The scale and appearance of the proposals have been carefully considered to ensure that it has responded positively to Lower Honkley Farm and the wider area (as outlined above).
<i>b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.</i>	The courtyard design provides sufficient overlooking of the parking and other amenities areas proposed through the placement of windows and doors.
<i>c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.</i>	N/A
<i>d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.</i>	The access arrangements are considered to be materially the same as the extant permission. Moreover, highways officers have confirmed that adequate visibility can be provided when egressing the site.
<i>e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.</i>	Due to the site's location, it is not possible to provide access to public transport facilities.
<i>f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.</i>	There would be no effects on public or environment safety / amenity arising from the development.

<i>g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.</i>	It is considered that the development would be able to connect to the necessary services.
<i>h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.</i>	There is no ecological value on site which would be effected by the proposals. The recommendations within the Ecology Report would be adhered to – i.e. the retention of trees and bolstering existing hedgerows.
<i>i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.</i>	The site is not at risk of flooding and there would be no adverse impacts as a result.
<i>j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.</i>	The site is adjacent to a Listed Building, however, there is nothing to indicate that the site possesses a strong welsh cultural / linguistic identity.
<i>k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.</i>	Given the housing supply position, the development would provide 5 additional dwellings which would provide a benefit to the economic and social wellbeing of the area.

- 5.56 It is considered that the proposal is largely in compliance with the majority of the criteria set out within Policy GDP1. It is considered that the proposal takes the positive aspects of the approved scheme and further improves the relationship with the farmhouse. Moreover, it should be noted that there was no consultation response received from Cadw on the application. In addition, the response from Conservation Officer referred only to the enabling development argument rather than any discussion on how the proposals relate to Lower Honkley Farm. It is therefore considered that the impact has not been assessed fully or in detail.

Impact of Current Site

- 5.57 It is considered that the site as it stands presently has a negative impact on the visual appearance of the site and, by association, the listed buildings. Given that the site's current visual impact, it is considered that to re-develop the site would be of significant benefit to the visual appearance of the site.



Current view of site from Stringer's Lane

- 5.58 The site is not isolated in the rural landscape. A large cluster of dwellings is situated just to the south of the site at Cherry Tree Cottage and Honkley Hall Cottages. A further pair of

dwellings are situated a short distance along Stringers Lane to the north. The scheme would therefore look to better integrate into its immediate surroundings, with the proposed development and the listed farmhouse being viewed more in the context of the clusters of residential developments on the south side of Stringers Lane rather than in the isolation of open countryside.

Interim Conclusion

- 5.59 It is considered that the design of the proposals will enhance the setting of Lower Honkley Farm. Moreover, the proposals should be considered within the context of it being the re-development of a brownfield site which already benefits from an extant planning permission. Moreover, the scheme clearly adheres to the majority of the criteria outlined within Policy GDP1.

Planning Obligations

- 5.60 Although a reason for refusal was not attached to the Decision Notice relating to Planning Obligations, the appellant was advised during the course of the planning application that a financial contribution of £19,800 was required towards primary and secondary school facilities (See **Appendix C**).
- 5.61 It is the appellant's position that such a request does not comply with Paragraph 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This states that:

"A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development."*

- 5.62 In the application which is the subject of this appeal the Local Planning Authority had identified that the closest schools are The Rofft, Marford Primary School and Rosset Darland Secondary school.
- 5.63 At the time of Decision Making the Council had no adopted guidance on how Planning Obligations would be sought and calculated. It appears that the Council determined the contribution required based on a standard formula determined by the number of 2 & 3 bedroom properties being proposed within the development. There is no published guidance on how this formula had been calculated.
- 5.64 The LPA did not calculate the pupil product which would arise from the proposed 5 dwellings within the development and did not calculate the number of spaces required within these existing schools to make the development acceptable in planning terms.
- 5.65 In addition, the LPA did not assess the existing capacity within the schools identified, to determine if the proposed development would result in a shortfall in capacity. As such, the LPA has not identified how this Planning Obligation is required to make the development acceptable in planning terms and such a request would be contrary to paragraph 122 of the CIL Regulations.

- 5.66 Further to the above, the Local Planning Authority have identified The Rofft Marford Primary School as being the closest primary school. However, this is located some 4 miles from the application site. The nearest primary school is Derwen Primary School which is located 2.1 miles from the application site. This falls under the jurisdiction of Flintshire Council, so any pupil product arising from the development would attend the closer school which is not operated by Wrexham Council.
- 5.67 Given the above, it is also considered that the contribution would not be fairly and reasonably related in scale and kind to the development, given that the Primary School pupil product would attend the closer Primary School, which is not operated by Wrexham Council.
- 5.68 Notwithstanding the case presented in paragraphs 5.60 to 5.67 above and without prejudice to the appellant's case, a Unilateral Undertaking is provided in support of this appeal to secure a financial contribution of £19,800 towards education facilities. This is provided in case the Inspector determines that this Planning Obligation complies with paragraph 122 of the CIL Regs and wishes to allow the appeal.

Summary

- 5.69 The proposed development is considered to be an acceptable form of development for the following reasons:
- Although the site lies within the Green Barrier, the site is located at the edge of the Green Barrier and is not near any adjoining settlements. This should be a consideration when considering the redevelopment of the site, along with the context of the built development around it and it's brownfield nature;
 - An assessment of the purposes of the Green Barrier has been undertaken and it is not considered that the site serves any of the purposes within the supporting policy text at paragraph 5.2;
 - The proposed development would be well within the scale of the previous footprint of the former industrial buildings at the site and represents only a small proportion of the previously developed area. As such, the proposed development should be regarded as being acceptable within the context of the footprint of previously built development at the site;
 - The proposed development would significantly enhance the setting of the listed Lower Honkley Farmhouse and general views of the countryside in and around the site;
 - The previously approved scheme was recognised as being sympathetically designed to significantly enhance the setting of the farmhouse. The current proposal has further enhanced aspects of the approved scheme to ensure that the Listed Building's historic integrity and identity is fully respected;
 - The merits of the application should be considered in the context of the UDP being time-expired and the Council being unable to demonstrate a 5 year housing land supply;
 - The benefits of the reuse of brownfield land and increase in the housing land supply would outweigh any harm arising from conflict with the Development Plan, given the limited weight which can be afforded to these time expired policies.

6.0 CONCLUSION

- 6.1 This Written Statement has been prepared on behalf of Mr Darlington (the Appellant). It sets out the Appellant's statement of case against Wrexham County Borough Council's refusal to grant planning permission for '*Proposed residential development of 5 no. dwellings, access, car parking, landscaping, drainage and associated engineering works*' (Ref. P/2018/0342). The application was validated on 23rd April 2018 and was refused by the Council on 4th June 2018.
- 6.2 A copy of the decision notice is provided in **Appendix A**. There were two reasons for refusal included on the decision notice which stated:
1. *The site is located outside settlement limit as defined in the Wrexham Unitary Development Plan and within a Green Barrier. The proposed development is therefore does not accord with policies PS1, EC1 and H5 of the Wrexham Unitary Development Plan.*
 2. *The development by virtue of its scale and appearance will detract from the setting of Lower Honkley Farm, a Grade II listed building, and the rural character of the site and its immediate locality. The proposals therefore conflict with policies GDP1 and EC9 of the Wrexham Unitary Development Plan.*
- 6.3 The proposed development is considered to be an acceptable form of development for the following reasons:
- The merits of the application should be considered in the context of the UDP being time-expired and the Council being unable to demonstrate a 5 year housing land supply.
 - Although the site lies within the Green Barrier, the site is located at the edge of the Green Barrier and is not near any adjoining settlements. This should be a consideration when considering the redevelopment of the site, along with the context of the built development around it and its brownfield nature;
 - An assessment of the purposes of the Green Barrier has been undertaken and it is not considered that the site serves any of the purposes within the supporting policy text at paragraph 5.2;
 - The proposed development would be well within the scale of the previous footprint of the former industrial buildings at the site and represents only a small proportion of the previously developed area. As such, the proposed development should be regarded as being acceptable within the context of the footprint of previously built development at the site;
 - The proposed development would significantly enhance the setting of the listed Lower Honkley Farmhouse and general views of the countryside in and around the site;
 - The site can be appropriately accessed and the required visibility splays can be achieved at the site. Adequate car parking can also be accommodated on site;
 - The previously approved scheme was recognised as being sympathetically designed to significantly enhance the setting of the farmhouse. The current proposal has further enhanced aspects of the approved scheme to ensure that the Listed Building's historic integrity and identity is fully respected.
 - The benefits of the reuse of brownfield land and increase in the housing land supply would outweigh any harm arising from conflict with the Development Plan, given the limited weight which can be afforded to these time expired policies.

APPENDICES

Appendix A LPA Ref: P/2018/0342 - Decision Notice

Appendix B Planning Officer's Delegated Report

Appendix C Education Team Consultation Response

In pursuance of its powers under the Acts an Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

Applicant	MR NIGEL DARLINGTON	Code No	ROS P/2018/0342
Agent	GERAINT JOHN PLANNING LTD MR ALEX SMITH OFFICE 16 (HOUSE 1M 2ND FLOOR) THE MALTINGS EAT TYNDALL STREET CARDIFF CF24 5EA	Date Received	23/04/2018
		Decision Date	04/06/2018

Town and Country Planning Act, 1990

Location of application

LOWER HONKLEY FARM, STRINGERS LANE, BURTON, ROSSETT, WREXHAM, LL12 0AP

Description of application

RESIDENTIAL DEVELOPMENT OF 5 NO DWELLINGS, ACCESS, CAR PARKING, LANDSCAPING, DRAINAGE AND ASSOCIATED ENGINEERING WORKS

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

EC1	Green Barriers
EC4	Hedgerows, Trees and Woodland
EC9	Listed buildings of special architectural or historic interest
GDP1	Development objectives
H5	Housing in the countryside
PS1	Settlement limits
PS3	Brownfield Land
T8	Parking

Particulars of decision that permission be REFUSED

Reason(s)

1. The site is located outside of a settlement limit as defined in the Wrexham Unitary Development Plan and within a Green Barrier. The proposed development is therefore does not accord with policies PS1, EC1 and H5 of the Wrexham Unitary Development Plan.

2. The development by virtue of its scale and appearance will detract from the setting of Lower Honkley Farm, a Grade II listed building, and the rural character of the site and its immediate locality. The proposals therefore conflict with policies GDP1 and EC9 of the Wrexham Unitary Development Plan.

Note(s) to applicant

A handwritten signature in black ink, appearing to read 'L. M. 16'.

**Officer Appointed for this purpose
Head of Environment and Planning**

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm

THE SITE

The application site comprises of land adjacent to Lower Honkley Farm a Grade II Listed Building.

PROPOSAL

Erection of 5 dwellings along with access, parking, landscaping, drainage and associated works.

HISTORY

- P/2002/1333 Demolition of redundant industrial building and the erection of 3 residential units. Approved 10.01.2005.
- P/2008/0135 5 detached dwellings and detached garage. Refused 18.03.2008.
- P/2014/0589 Listed Building Consent to install internal wall / roof insulation. Granted 18.07.2014.
- P/2015/0045 Listed Building Consent for repair of defective oak beam, reinstatement of oak window lintels and installation of slimlite glazing units and other alterations. Granted 03.06.2015.
- P/2017/0072 Erection of 5 dwellings. Refused 25.4.2018

DEVELOPMENT PLAN

Outside of settlement, within Green Barrier. The site also lies adjacent to a Grade II listed building. Policies PS1, PS3, GDP1, EC1, EC4, EC9, H5 and T8 apply.

CONSULTATIONS

- Community Council: Rossett Community Council have considered the attached planning application and wish to raise an objection as they feel the development of 5 residential properties on this site would be too intensive. They are aware planning permission has previously been granted for 3 residential properties on this site and feel this is a more appropriate number/size.
- Local Member: The view of the Community Council and myself is that the original approval should be adhered to and the increase to 5 rejected.
- Public Protection: Consulted 26.4.18
- Highways: Have made the following comments:
- Visibility splays of 2.4 x 43m recommended;

	- Whilst visibility to the south-east is achievable, to the north-west it is only achievable over land outside the boundary of the application site. To achieve adequate visibility in this direction requires the boundary hedge of the neighbouring property to be reduced in height to below 1m in perpetuity; - There are two parking spaces proposed for each dwelling which might be inadequate given the site is not in the most sustainable of locations.
Education:	Primary and secondary education contributions required.
NRW:	No objection.
Welsh Water:	As the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.
CPAT:	The development appears to have no direct impact on any recorded archaeology.
Civic Society:	Consulted 26.4.18
Site Notice:	Expired 23.5.2018
Neighbour letters:	The owners/occupiers of 13 nearby properties notified 3.5.18 1 joint representation received from 7 nearby occupiers and the management company of the development they occupy expressing the following comments: - In principle, welcome sympathetic development; - Concerned about loss of visual amenity; - Concerned about increase in vehicular movements; - Traffic during construction - Potential length of time that construction may take - Remain unpersuaded by the financial argument for 5 dwellings as opposed to three.

SPECIAL CONSIDERATIONS

Policy: Policy PS1 directs new residential development to sites within settlement limits. The site lies in open countryside and within a designated Green Barrier and is therefore in an area where new residential development is strictly controlled. Policy H5 sets out a limited number of cases where residential development may be supported in the countryside (subdivision, conversion, infill, small scale afforded housing developments on the edge of settlements and dwellings required to accommodate rural workers). The development does not meet any of the criteria for housing development in the countryside set out in the policy.

Green Barrier

The UDP designation of Green Barriers is consistent with the Green Wedges referred to in Planning Policy Wales. Planning Policy Wales advises that inappropriate development should not be permitted within Green Wedges. The

construction of new buildings is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings;
- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- small scale diversification within farm complexes where this is run as part of the farm business.

None of the above applies to this proposal therefore it is inappropriate development. The development will occupy a larger footprint than the extant planning permission so in contrast will harm the openness of the Green Barrier.

Paragraph 4.8.15 of PPW states that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to a Green Wedge. I will consider this matter in more detail later.

Housing Need: Wrexham does not have the 5 year housing land supply it is required to do so by national planning policy owing to the fact that the UDP plan period has now lapsed. In accordance with Technical Advice Note 1 the need to increase support is therefore afforded significant weight.

The Deposit LDP proposes to make provision for 8525 homes (which includes a 10% contingency allowance) for the 2013-2028 period. Taking into account existing supply of homes, an allowance for windfall developments, and completions between 2013-2017 this equates to a requirement for additional land to be brought forward for 3,375 new houses. The LDP housing requirements are informed by far more up to date information. It will not be possible to meet the County Borough's future housing requirements without the release of sites outside existing settlement limits, which is a relevant material consideration applicable in this case. Housing supply/need must however be balanced against other national and local planning policy considerations.

Weight afforded to policies PS1 and H5: Given that existing settlement limits reflect the housing requirements identified in the UDP that were informed by migration led projecting, using mitigation trends from 1996. The LDP housing requirements and recognition that these cannot be delivered without the release of land outside of existing settlement limits means that policy PS1 is now outdated and therefore afforded limited weight in the determination of planning applications.

In my opinion policy H5 can continue to be afforded weight in the determination of planning applications for dwellings in open countryside given that it broadly accords with PPW advice that housing development in such locations should be strictly controlled.

Sustainability: The application site is, by virtue of the fact that it was occupied by industrial units, previously developed land. Whilst policy PS3 as well as PPW are broadly supportive of the re-use of previously developed land, paragraph 4.9.1 recognises that not all previously developed land is suitable for development, for example because of its location.

The site is remote from Rossett and Llay, the nearest settlements where there local services, public transport or employment are available. The location of development will therefore mean that future occupiers will be reliant of private cars for most, if not all of their journeys so would not be sustainable. Even taking into account the extant planning permission for 3 dwellings, the development would increase the number of private car journeys made to/from the site so performs comparably worse than the extant scheme in terms of sustainability.

Exceptional Circumstances: The development has been put forward on the basis of needing to provide the applicant with a modest return and to cover costs of works to Lower Honkley Farm, a Grade II listed building. It is therefore necessary to consider whether there is a case for enabling development that justifies departing from adopted planning policies that would otherwise seek to prevent residential development in the countryside and Green Barrier.

The principles of enabling development are set out in Cadw's 'Conservation Principles for the Sustainable Management of the Historic Environment in Wales' and which endorses the more detailed guidance produced by English Heritage, 'Enabling Development and the Conservation of Significant Places.'

Both documents define enabling development as '*development that would deliver substantial heritage benefits but which would be contrary to other objectives of national, regional or local planning policy*'. Such development may be appropriate if it has public benefit of rescuing or enhancing a historic asset and that decisively outweighs the harm to other material interests – for example a conflict with planning policy. Paragraph 49 (f) of the Cadw guidance advises that enabling development is the minimum necessary to secure the future of an historic asset.

The decision to accept a case of enabling development in relation to Lower Honkley Farm was taken in 2005 when permission was granted for the erection of 3 dwellings to the rear of the listed building. A case was made at that time that this amount of development was the minimum required to provide the necessary funds to repair the listed building whilst also facilitating the removal of industrial buildings, thereby enhancing setting of the listed building and benefitting the rural landscape. The cost of the works to the listed building was anticipated as being between £105,000 to £125,000 in 2004. Using the Bank of England inflation to provide an initial estimate of the works in 2017 prices, the upper limit would be in the region of £182,451.

The submitted details suggest that the development is necessary to cover costs of works to the listed building of £439,928 whilst ensuring a sufficient return for the applicant. It is unclear what works have been included within the scope of those costs, however the owner of the listed building has previously carried out unauthorised and damaging works to it that had to be subsequently remediated. These will have added to the initial costs identified to justify the granting of

permission in 2005. The submissions also fail to take account of the fact that because 5 dwellings are now proposed, school contributions are required which will increase the overall cost of the development by £19,800 based on the current version of LPG27.

Paragraphs 5.4.3 and 5.44 of the English Heritage guidance referred to advice advises that

There is no mechanism for claw-back if the financial outcome is better than anticipated; similarly there can be no expectation of further enabling development if it is worse than anticipated.

Taking an incremental approach to enabling development, in which additional enabling development is sought once the scheme is under way or completed, as a means of recovering unforeseen or underestimated costs, is not an acceptable practice. Such an approach distorts the process, because it is necessary to consider the effects of the enabling development proposals in their entirety before deciding whether the benefits outweigh the harm. The developer bears the risk – there can be no ‘second bite of the same cherry’.

In my opinion the applicant has not advanced credible or valid reasons for additional development at the site. Irrespective of whether the costs associated with works to the listed building have increased as a result of the applicant's own actions or simply as a result of inflation, in my opinion it is clear that the above guidance does not envisage applicants being able to revisit the amount of enabling development proposed to recover such costs. The financial risk of cost inflation lies with the development. Furthermore in cases where an applicant has incurred costs by carrying out works over and above those initially envisaged – particularly when those works are unauthorised, it would be perverse if that provided a case to grant planning permission for additional enabling development.

Design: The general form of the buildings is similar to a typical range of rural outbuildings associated with farmhouses. Nevertheless, the external appearance of the proposed dwellings, particularly the front elevation which will be viewed in conjunction with Lower Honkley Farm from public vantage points, is relatively bland and does not provide the level of detail or variation that would be expected in a traditional range of farm buildings. The overall massing of the development is also greater than the extant permission. In my opinion these factors mean the development does not serve to preserve the setting of the listed building and will also detract from the rural character and setting of the site.

Amenity: The development will be 16m to the rear of Lower Honkley Farm at its nearest, although the distance is 20m between windows serving habitable rooms in the north-east elevation of the listed building. Unit 1 includes a first floor bedroom window facing towards the property. The separation distance is slightly below the 22m referred to in the LPG21 however taking account of the position of Lower Honkley Farm's garage I do not believe this shortfall will unacceptably reduce the standard of privacy afforded to the occupiers of that property. The distance is also sufficient to ensure the development does not adversely impact upon amenity by way of loss of light or by being overbearing.

The application site boundary is in around 25m away from the next nearest dwelling, with the distance to the proposed dwellings even further. The separation distances involved therefore far exceed those recommended by LPG21 and as such I am satisfied the proposals will not adversely impact upon the standard of amenity afforded to occupiers of other dwellings in the vicinity.

Highways: Highways have commented that adequate visibility to the south-east but to provide it in the opposite direction, the reduction in height of the hedge along the frontage of Lower Honkley Farm to below 1m and its subsequent maintenance at that height is required. The frontage of Lower Honkley Farm lies outside of the application site although the submitted location plan confirms it lies within the same ownership as the application site. In my opinion this matter can be addressed by planning condition. The reduction in height of the hedge is a requirement of condition 03 of the extant planning permission – although the farmhouse was included with the application area on the plans submitted for that proposal.

The LPG16 maximum parking provision for the development is 3 spaces per dwelling or 15 spaces for the development as a whole. Given the rural location of the site I consider it reasonable to expect the maximum provision to be provided.

The submitted layout plan only provides 5 parking spaces although the driftway to unit 3 could conceivably be used as an additional space. Whilst the submitted plans also make provision for 5 open frontage garages, LPG16 advises that garages do not count towards on-site parking provision. This advice is, in my opinion, fair given that domestic garages are often used for other purposes such as domestic storage. However in this instance given the communal nature of the garages and their degree of separation from the dwellings it is reasonable to conclude that they are more likely to be used as a parking area. Nevertheless this only brings the total on-site parking provision to 10 spaces, or 11 if the driftway is considered.

I do not believe the shortfall provides sufficient grounds for refusal given that there is sufficient space within the site to provide additional parking without significant amendment to the development. Were permission granted it would be reasonable to impose a condition to require a revised layout of the parking and turning area overcome deficit between the on-site provision and the LPG16 maximum.

Whilst noting the concerns expressed in the representations received, the level of traffic associated with the development is unlikely to be significantly greater than under the extant permission. Traffic volume is not a matter of concern to Highways therefore I have no reason to believe it provides a valid reason to refuse planning permission.

Trees: There are a number of trees along the site boundary. The application is accompanied by a tree report dated January 2017, however the tree protection plan is based on a previously proposed site layout rather than the one subject to this application. Despite this discrepancy, the Council's Tree Officer has advised that the report is adequate and agrees with its conclusions. Requirements for an Arboricultural Method Statement and landscaping scheme to include new tree planting could be secured by condition.

Education: Contributions to both primary and secondary education are required. These would need to be secured via a planning obligation.

CONCLUSION

The development does not accord with planning policies regarding development in the countryside and represents inappropriate development that will harm the openness of the Green Barrier. The scale and appearance of the development will detract from the setting of Lower Honkley Farm and the rural character of the site. The proposals therefore do not accord with policies PS1, GDP1, EC1, EC9 and H5 of the UDP and in my opinion the applicant has failed to demonstrate exceptional circumstances to justify granting planning permission despite the policy conflict.

Cerys Jones

From: Matthew Phillips
Sent: 04 May 2018 15:36
To: planning_admin
Subject: FW: Contribution to schools

Please add as Education response to P/2018/0342

From: Denise Garland
Sent: 04 May 2018 15:02
To: Matthew Phillips
Subject: RE: Contribution to schools

Having consulted with the Education Department, please find the response below

From: Matthew Phillips
Sent: 02 May 2018 14:23
To: Denise Garland; Paula Parry
Subject: Contribution to schools

EMAIL ENQUIRY TO EDUCATION FOR SCHOOLS CONTRIBUTIONS

A response is requested to this enquiry, under the terms of Local Planning Guidance Note 27. The application documents are available on the website (popular links, planning applications). Please respond to case officer with a copy to planning_admin@wrexham.gov.uk

Case Number: **P/2018/0342**

Case Officer: MP

Development: Residential Development Of 5 No Dwellings, Access, Car Parking, Landscaping, Drainage And Associated Engineering Works

Site Address:

Lower Honkley Farm
Stringers Lane
Burton
Rossett
LL12 0AP

Ward:

Rossett

Case officer to complete **blue** areas:

Grid reference: E 334179 N 359311

Type of Dwellings

Number of Houses 2 – 3 Beds: 5 **Number of Houses 4+Beds:**

Number of Flats 2 – 3 Beds:

Number of Flats 4 + Beds:

Property Planning Response

Enquiry Reference

Decision: Contribution required for both secondary and primary

Date:

Reason for Decision: the closest C.P. schools are Rossett Darland and The Rofft, Marford

SCHOOL DETAILS

Primary name: The Rofft, Marford

Capacity:

Number on roll:

Secondary name: Rosset Darland

Capacity:

Number on roll:

Calculation of the amount of contribution due

Primary

No of dwellings 2 – 3 bedrooms: 5 x 1960 = £9800

No of dwellings 4+ bedrooms: x 2352 = £

Total Primary Contribution £

Secondary

No of dwellings 2 – 3 bedrooms: 5 x 2000 = £10000

No of dwellings 4+ bedrooms: x 2400 = £

Total Secondary Contribution £

TOTAL CONTRIBUTION DUE £19,800

Please use the Enquiry Reference number for any future correspondence in relation to this matter.

The information provided above is based on the most current information held by this department.

Where the type of dwelling is unknown it has been assumed that they will be 4+ bedroom type dwellings. This will allow an indication of the contribution required and can be recalculated when more detailed information becomes available.

The decision made is assessed in relation to other planning applications already consulted on, or developments under construction that have an incremental affect on the number of pupils anticipated.