
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 20/03/18

gan Clive Sproule BSc MSc MRTPI
MIEnvSci CEnv

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 29/03/2018

Appeal Decision

Site visit made on 20/03/18

by Clive Sproule BSc MSc MRTPI
MIEnvSci CEnv

an Inspector appointed by the Welsh Ministers

Date: 29/03/2018

Appeal Ref: APP/H6955/A/17/3191218

**Site address: Land south of Boundary House, Horseman Green, Hanmer
SY13 3DY**

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 planning permission.
 - The appeal is made by Mr & Mrs R & S Forrester and Griffiths against the decision of Wrexham County Borough Council.
 - The application Ref HAN P/2017/0725, dated 22/08/17, was refused by notice dated 06/11/17.
 - The development proposed is construction of a detached dwelling with associated garage and parking on land south of Boundary House, Horseman's Green.
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Decision

1. For the reasons that follow, the appeal is dismissed.

Main Issues

2. These are considered to be: a) the effect of the development proposed on the character and appearance of the locality; and, b) whether the proposal would be an appropriate form of development in the countryside at Horseman's Green.

Reasons

Character and appearance

3. Strategic Policy PS2 of the *Wrexham Unitary Development Plan 1996 – 2011*, adopted February 2005 ('UDP') states that development must not materially detrimentally affect countryside, landscape/townscape character, open space or the quality of the natural environment. 'General Development Principles' within UDP Policy GDP1 state that all new development should, amongst other things, ensure that built development in its scale, design and layout accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.
 4. UDP strategic Policy PS4 also seeks development to maintain the existing settlement pattern and character. The latter part of the policy seeks development to be integrated with the existing transport network to help reduce the overall need to
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travel and encourage the use of alternatives to the car, and this is dealt with under the second main issue below.¹

5. The UDP is now beyond the period for which it planned, which could reduce the weight attributed to policies that look to an out-of-date evidence base, or that are no longer consistent with *Planning Policy Wales – 9th edition* ('PPW').
6. PPW section 4.11 is entitled *Promoting sustainability through good design*. It confirms the importance accorded to 'good design', and that design is taken to mean the relationship between all elements of the natural and built environment.² PPW paragraph 4.11.9 states "...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....". Therefore, it is apparent that UDP Policies PS2 and GDP1 are consistent with PPW and they attract full weight in this case, as is UDP Policy PS4 in relation to settlement character and the transport network.
7. Horseman's Green is a very small settlement that is set within the open countryside. Development within the settlement is predominantly residential and the dwellings are often detached with substantial areas of amenity space to the front and rear. These residential plots are mostly positioned along two rural roads. In places only one side of the highway is developed, and in other locations, both sides are.
8. The transition between the settlement and open countryside, with occasional predominantly agricultural development within it, is clear. This is especially so in the part of Horseman's Green nearest to the appeal site. The appeal site is to the south of the road junction at the western most extent of the settlement. Development extending north eastwards from this junction is on both sides of the highway.
9. The appeal site is the roadside frontage of a long narrow field that has been subdivided to separate appeal site from the remainder of the field and the stable block within it. The appeal site is separated from the nearest built development in Horseman's Green by the entrance into the neighbouring field, which then opens out to be wedge shaped. While some of the fields around Horseman's Green are used to keep horses, they still contribute to the openness of the countryside in this location. Therefore the presence of the fields to the south and west of Horseman's Green serve to emphasise the open spacious nature of the countryside around the existing development in the settlement.
10. This openness is apparent in views taken from the junction to the north of the appeal site. Boundary House is at the junction and forms part of the last developed frontage on this western boundary of Horseman's Green. Views taken southwards from the junction across the front of Boundary House and along the road past the appeal site, include the clear transition to open countryside along with roadside field boundaries that lead to pockets of existing development set within the countryside.
11. Residential development of the appeal site would significantly erode the rural character, and the associated appearance, of the well-defined edge to Horseman's Green around the junction and the road frontage to the south of Boundary House. It would also significantly diminish the openness of the countryside to the south of the settlement and the separation it provides to the pockets of existing development in the countryside. The clear physical separation of the appeal site from existing built

¹ Which is entitled *Development in the countryside*

² PPW section 4.11, including paragraph 4.11.1

development in Horseman's Green would emphasise these effects. As such, the proposed development would be unacceptably harmful to the character and appearance of the countryside around Horseman's Green, and conflicts with the relevant parts of UDP strategic Policies PS2 and PS4, UDP Policy GDP1 and PPW.

Development in the countryside

12. PPW paragraph 4.7.8 confirms that development within the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access and habitat and landscape conservation. In planning for housing in rural areas, PPW paragraph 9.2.22 states that *"...it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment..."*.
13. UDP strategic Policy PS3 seeks development to use previously developed brownfield land, in preference to greenfield land. The appeal site is part of a rural field, and while there are some structures within the field boundaries, it is nonetheless a greenfield site.
14. Construction of the appeal scheme would be expected to contribute to the local economy, as would the occupation of the dwelling. There would be social benefits resulting from the provision of an additional home that would be provided at a discounted price (or rent) and the support its occupiers would provide for local services. However these benefits would be limited due to the scale of the development proposed, and the weight they attract in favour of the proposal reflects this. The effect of the proposal on cultural well-being reasonably would be expected to be neutral. In relation to environmental well-being, the effect on the character and appearance of the locality is dealt with above.
15. Occupiers of the proposed dwelling would be able to access some services in Hanmer or Penley, but these settlements are noted to be approximately 2.4km and 3.7km from the appeal site respectively. Neither settlement is within a comfortable walking distance of the appeal site, which the technical guidance in *Manual for Streets* indicates to be a journey of up to about 800m in residential areas. In this case, Hanmer and Penley would be accessed via (unlit) country lanes rather than through residential areas.
16. In addition, the proposed new dwelling in Horseman's Green would be remote from the jobs, shops and services located within larger settlements. Evidence indicates that public transport services in the locality are limited. These factors reasonably would be expected to result in future occupiers of the appeal scheme being reliant on the private car for most of their journeys. This would increase the number of private car journeys in the locality. Consequently, the appeal proposal is for development in the countryside that would not minimise the demand for travel, especially by private car.
17. It would fail to deliver objectives within the relevant part of UDP strategic Policies PS4 and PS3, and it would fail to meet the PPW objective for a Wales of cohesive communities.³ Accordingly, the proposal would not be an appropriate form of development in this countryside location.

³ As described by paragraph 4.4.3 of PPW

Other matters

18. My attention has been drawn to matters raised within documentation accompanying the appeal, including the application's Design and Access Statement. Where these matters are not dealt with elsewhere in this decision, they either: provide neutral weight in relation to the appeal scheme; or, their benefit could be yielded from the development of a policy compliant site elsewhere; or, their combined weight in favour of the appeal scheme is not significant.

Housing need

19. PPW paragraph 9.2.3 is unambiguous that local planning authorities must ensure that there is a five year supply of land for housing. Evidence confirms that Wrexham does not to have a five year supply of land for housing. Paragraphs 8.1 and 8.2 of PPW TAN 1 - *Joint Housing Land Availability Studies* address *Transitional arrangements* where a local planning authority does not have an adopted Local Development Plan and cannot demonstrate a five year supply of land for housing. TAN 1 paragraphs 8.1 and 8.2 do not deal with the weight to be attributed to the lack of a five year housing land supply.
20. It is not apparent that the county's housing requirements can be met within the existing defined settlements. Accordingly, UDP Policy PS1, which deals with defined settlement limits, is out-of-date and attracts limited weight in this case.
21. In addition, while the supporting text to UDP Policy H5 highlights that it seeks to address rural dwellings that would have an effect on visual quality and landscape character, the wording of the policy confirms it to be a housing policy. This is also the case for UDP Policy H8, which deals with affordable housing proposals that would extend a rural settlement. Other UDP policies, referred to earlier in this decision letter, address the effect of development on the character and appearance of the countryside. However, UDP Policies H5 and H8 seek to control housing development outside UDP defined settlement limits and as such, they are out-of-date and attract limited weight in this case.
22. The appeal scheme would provide one additional dwelling that would contribute towards local and countywide housing land supply. A planning condition could ensure that measures are taken to ensure the dwelling is provided, and remains available at, a discounted price (or rent).
23. Paragraph 6.2 of TAN 1 states that when housing land supply is below the five year requirement, "*...the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies...*". While parties may have a view on the weight to be attributed to the provision of rural affordable housing within the context of a declining population,⁴ PPW is the current national policy and TAN 1 the current advice on this matter. As noted above, the appeal proposal conflicts with development plan policies and would fail to deliver development plan and national planning policy objectives. Therefore, while the proposed development would provide an additional affordable dwelling to meet housing need, this small contribution to housing land supply only provides limited weight in favour of the appeal scheme. This is especially so, as it is not apparent that the appeal site is the only land in the area that could provide such a dwelling.

⁴ Consideration of this has taken into account the advice in TAN 6 - *Planning for Sustainable Communities*, including that within paragraph 4.2.4

Previous planning decisions

24. The appeal scheme has sought to address previous reasons for refusal, and it is apparent that the current appeal scheme differs from previous proposals. Each planning application and appeal falls to be considered on its own merits within the context of the planning policies and circumstances that apply to it, and that is how I have dealt with this case.

Conclusion

25. For the reasons set out above, the proposed development would conflict with UDP Policies PS2, GDP1 and would it fail to deliver objectives within UDP Policies PS4, PS3 and the relevant parts of PPW.
26. All representations in this case have been taken into account and no matters, including the scope of possible planning conditions and the benefits of the scheme, have been found to outweigh the significant weight attributed to the identified harm, policy conflict and failure to deliver policy objectives. Accordingly, the proposal would not be a sustainable form of development and the appeal should be dismissed.
27. 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 and resilient communities.

Clive Sproule

INSPECTOR