

Appeal by Mr. & Mrs. D. Howell – Application Reference P/2015/0902

Site: Land West of Cae Plas Teg. Glyn Ceiriog

APPELLANT'S GROUNDS OF APPEAL

1 Introduction

- 1.1. This application was determined under delegated powers. The Officer's Report and Decision Notice state the following reasons for refusal:
- Development would be detrimental to the locality, the rural landscape and the Special Landscape Area as defined by Wrexham UDP due to visual intrusion, site design and layout.
 - Submission of information regarding impact of existing trees is insufficient.
 - Submission of information regarding protected species and habitats is insufficient.
 - The development would not make a significant contribution to the 5-year supply of housing land.
- 1.2. The Officer's Report confirms that there are a number of factors which the Appellant and the Council do not disagree upon:
- The site is physically capable of development.
 - Glyn Ceiriog has experienced small-scale incremental organic development that has resulted in the current form and character of the village.
 - Glyn Ceiriog is capable of accommodating some limited development due to its place in the settlement hierarchy of the UDP as well as the emerging LDP.
- 1.3. The Appellant also disputes whether the Planning Policies contained within the Unitary Development Plan for Wrexham County Borough, for

the control of new housing development, are still valid due to them being out of date.

- 1.4. Neither the Decision Notice nor the Officer's Report state whether the proposed development is judged to be sustainable development in accordance with the UDP and Planning Policy Wales.
- 1.5. This statement will address all of the issues mentioned above.

2 Impact of the proposal on the locality, the rural landscape and the Special Landscape Area.

- 2.1. The appeal site is located immediately adjacent to the current development boundary for Glyn Ceiriog and also directly abuts residential development at Cae Plas Teg and Ffordd Tyn Y Cestyll. There is no degree of separation or detachment from the settlement whatsoever. The development boundary is considered to be at the stage where it requires urgent revision to allow some proportional small-scale development; this is discussed in greater depth in sections 5 and 6 of this statement.
- 2.2. The settlement pattern of Glyn Ceiriog follows the topography of the Ceiriog Valley. Whilst the highest concentration of houses follows the valley floor, the lower slopes of the Berwyn Mountains are also developed. In addition, there are a significant number of dwellings, occupying the upper more steeply sloping hillsides, which gradually become more dispersed. The character and form of the village is defined by what is an organic settlement form due to the topography. The settlement pattern in the location of the appeal site is characterised by dwellings that are all orientated to face towards the east across the Ceiriog valley. The site layout reflects and observes the same pattern of orientation.

- 2.3. The site is the northern part of an enclosed field, of unimproved pasture, which is of poor agricultural quality predominantly due to the topography and poor soil quality. Any agricultural use of the appeal site is strictly limited and of little productive use.

Visual intrusion, site design and layout

- 2.4. The site is bounded by existing residential development directly to the east (Cae Plas Teg), northeast (Maes-y-Coed) and Ffordd Tyn y Cestyll to the north with further residential properties beyond. Hedgerows and hedgerow trees mark the western boundary. To the south of the field in which the site sits is an area of woodland, which extends as far south as Pandy (the next village) and then beyond. The consequence of the adjoining land uses is one of enclosure. The enclosed nature of the site ensures that the proposed development would not represent a new direction of growth. The proposed dwellings would in actuality result in a 'rounding off' of the settlement in this location.
- 2.5. The site falls within a Special Landscape Area as defined by the Wrexham Unitary Development Plan (1996-2011). This area covers a very high proportion of land outside of the developed urban areas of the County Borough and will certainly need to be reviewed as part of the Development Plan process.
- 2.6. In 2011 the Clwydian Range Area of Outstanding Natural Beauty (AONB) was extended to include the Dee Valley. The revised and extended AONB does not include Glyn Ceiriog and only includes a small part of the Ceiriog Valley at Chirk to the east. It is therefore argued that whilst not being included in the AONB extension does not detract from the natural beauty and landscape quality of Glyn Ceiriog and the Ceiriog Valley, it should be recognised that the landscape is not

sacrosanct and some proportional small-scale development should be allowed.

- 2.7. The Decision Notice states that 'the impact of the development cannot be minimised from nearby and distant viewpoints...'. Views of the appeal site are in fact really quite limited and include the valley floor, from within the village (nearby) and beyond the Nant y Weniar watercourse area to the northeast (distant), where a small lane starting near Ty'n-y-groes rises up towards Pant Du and beyond.
- 2.8. From the valley floor within the village the view is of existing dwellings rising up above Llanarmon Road with an enclosed field behind. Beyond the field in the hedgerow are some oak trees. These oak trees break the skyline with coniferous woodland rising further up the slopes to the southwest and south. One other notable feature is a pair of large coniferous (spruce) trees located on the northeast boundary of the site. The proposed dwellings would be easily assimilated into the built form of the village.
- 2.9. The more distant view of the site is over a kilometre to the northeast on rising land. From this location the same features are visible as from the valley floor within the village, but other properties higher up the hillside are far more prominent. The visual effect of the proposed dwellings from this, and other distant viewpoints, is minimal and due to the location of the appeal site next to existing properties the assimilation would be seamless and the view unspoilt.
- 2.10. The eastern slope of the Ceiriog Valley to the east and immediately opposite the appeal site across the recreation ground is wooded. Although a lane rises up the hillside, it is difficult to obtain a clear view of the appeal site due to the density of the trees. Views of the appeal

site would have been the most prominent from this location if it were not wooded.

- 2.11. Due to the topography of the area, any views of the appeal site from both the south and the west are substantially restricted.
- 2.12. The proposed dwellings have been designed specifically to be relatively low rise to ensure that they are not an over dominant feature in the landscape. This would be achieved by utilising mono-pitched (sedum) roofs and setting the buildings into the hillside
- 2.13. It is acknowledged that the proposed development site is steeply sloping. The design of the proposed dwellings and site layout has been chosen specifically to take account of this and the topography by setting the proposed development into the hillside. Mono-pitched roofs would also be utilised to ensure that the proposed dwellings are relatively low-rise. The result would be a development that is not overly dominant in the landscape and easily assimilated with the existing built form of the village. There are many examples of houses occupying sites that are steeply sloping, some of which are recent additions to the village.
- 2.14. The Officer's Report states that the 'contemporary design...in this instance would be too stark...', and goes on to say that 'it is therefore considered that a more traditional form, particularly roof form for the dwellings would be more appropriate'. The Appellant has several issues with these comments, as follows:
- The comments suggest that the principle of development in the location of the appeal site is not unacceptable.
 - At no point did the Planning Office contact the Appellant or his agent to suggest that the design be amended in any way.

- The view that a contemporary design would be too stark is a very subjective one. Whilst Glyn Ceiriog has buildings that are predominantly 'traditional', there are many examples of modern and contemporary developments that have been constructed at various stages throughout the last few decades that sit perfectly comfortably in this location.
- The design is unashamedly and deliberately contemporary. It is of a very high standard and uses materials that reflect the local area, as there are numerous are examples of local stone buildings nearby, as well as many examples of a rendered finish. The proposed dwellings would actually make an extremely positive contribution to the village by offering some diversification and visual interest whilst paying homage to the locality by reflecting materials that are already prevalent.
- The layout of the appeal site reflects and observes the same pattern of west/east orientation that is found in the immediate vicinity.
- The internal layout of the proposed dwellings has been designed to make the most of the view to the east and northeast whilst maximising natural light by placing the main living area at first floor level.
- The design and scale of the proposed dwellings has been devised in order to offer good quality modern living standards. The dwellings would present a family sized home that utilizes contemporary open plan living, many 'eco' and Passivhaus features in a desirable location.

2.15. For the reasons outlined above, the Appellant is of the opinion that the impact of the proposed development on the locality, the rural landscape and the Special Landscape Area would be both minimal as the appeal site is not significantly prominent within the wider landscape and positive due to the high quality contemporary design.

3 Submission of information regarding impact of existing trees is insufficient

- 3.1. The Decision Notice states that *'Insufficient information has been submitted in support of the proposal to demonstrate that the existing trees on site would not cause a significant reduction in light to the proposed dwellings which would be to the detriment of the future occupiers of the dwellings. This would lead to pressure to reduce tree heights and canopies or fell these trees...'*
- 3.2. The Appellant argues that this reason for refusal is unreasonable as neither the Planning Officer or Tree Officer made contact with the Appellant or his agent to request additional information.
- 3.3. The submitted Arboricultural Report concludes that the proposed development is arboriculturally sound and complies with British Standard 5837:2012. It also finds that only one tree of poor quality would need to be removed and the considerable amenity value of the remaining trees on site would not be damaged. The Root Protection Areas (RPA) of all trees can be protected during construction using standard measures and no RPA needs to be built on.
- 3.4. The orientation of the proposed dwellings on the appeal site is towards the east and the internal layout reflects this as does the location of the primary windows. The most significant factor influencing the amount of sunlight reaching the west elevation is the hill itself, and the proximity or height of the trees will be inconsequential. Section 10 (Post Development Pressure) of the Arboricultural Report addresses this issue at paragraphs 10.2 – 10.4.
- 3.5. The Council is at liberty to place Tree Preservation Orders on the trees within the site if it so wishes.

4 Submission of information regarding protected species and habitats is insufficient

- 4.1. The Decision Notice states that '*Insufficient information has been submitted in support of the proposal to demonstrate that the development of the site would not cause detriment to species or habitats of local or national importance (Bats).*'
- 4.2. The Appellant argues that this reason for refusal is also unreasonable as neither the Planning Officer or County Ecologist made contact with the Appellant or his agent to request additional information.
- 4.3. The Ecological Survey Report submitted as part of the application makes several recommendations for mitigation measures. If the planning appeal is allowed and planning permission granted then conditions could be attached to ensure that the recommendations within the Ecological Report are carried out. If the Council requires further surveys then this too could be dealt with by condition.

5 The development would not make a significant contribution to the 5-year supply of housing land

- 5.1. The assessment made in the Officer's Report makes the following judgement: '*Given the small contribution the development would make [to] the overall supply of housing in Wrexham*'.
- 5.2. In making this judgement The Council is failing to recognise how significant the contribution made by small sites is to the overall supply of housing land.
- 5.3. The Council's 2014 Joint Housing Land Availability Study (JHLAS) published 31st January 2015 calculates the supply of housing using past building rates. This document states that small sites of less than 10 dwellings make a contribution of 405 units out of an overall total of

1304 units. This represents 31% of the current 5-year supply for Wrexham County Borough.

- 5.4. The combined contribution made by small sites, just like the appeal site is almost a third of the overall supply of housing. It is therefore argued that small sites are of enormous significance to the 5-year supply of housing land. Furthermore, *'the small contribution'* should be reconsidered to be part of a source that is of great collective importance to the County Borough.
- 5.5. There are no barriers to the delivery of the appeal site. The Applicant is a respected and experienced local developer, who will deliver the proposed development quickly. Therefore, if approved, the dwellings will contribute directly to the 5-year housing land supply.
- 5.6. The supply of sites in Wrexham County Borough will in due course be supplemented by new housing allocations by the LDP. Delivery of the new LDP (2013-2028) has undergone significant delays. The LDP2 is currently at the stage of Pre-deposit public consultation (until 01/04/16) but this document does not include any allocations for new housing development.
- 5.7. The latest 'Key Stages and Timetable' published by Wrexham CBC, states that the full plan including related (site allocation) documents will not be published for consultation until the end of this year at the earliest. Adoption of the LDP will not be until March 2018 according to the same timetable. According to this timetable it is still a full 2 years until new housing site allocations will be delivered.

The Council does acknowledge the shortfall in the 5 year supply of deliverable housing land, but the latest JHLAS (2014) states:

'Given that WCBC is currently preparing its LDP, it does not consider it necessary at this stage to implement formal steps to

increase the land supply. In any case a lack of resources would not allow for this and would ultimately delay the LDP process.'
(paragraph 3.5)

This exact same statement was included in the JHLAS 2013. It is of great concern that this continued stance coupled with the anticipated timescale until the LDP is delivered, will result in a significant worsening of the current situation.

5.8. The Council has not published a JHLAS 2015. There is however Housing Land Monitoring Statement 2015 available alongside the previous JHLAS documents 2012-2014. Paragraph 1.1 of this statement acknowledges that *'the authority is considered to have a **zero land supply**'*. Planning Policy Wales (Edition 8 – January 2016, paragraph 9.2.3) states that LPAs *'must ensure that sufficient land is genuinely available.... to provide a 5-year supply of land for housing'*.

5.9. It can only be concluded that there is an urgent need for the Council to grant planning permission for appropriate housing development, including small sites outside (but adjacent to) UDP development boundaries, in order to address the current ongoing shortfall in deliverable housing land supply.

6 Are the UDP policies that control the location of new housing development up-to-date? and Do the proposals conflict with relevant policies of the Wrexham UDP?

6.1. The current Development Plan for Wrexham is the adopted Unitary Development Plan (UDP) 1996-2011, adopted February 2005.

6.2. Whilst the UDP retains Development Plan status, it is now over 5 years beyond its intended lifespan and cannot therefore be regarded as

being up-to-date. The WCBC Housing Land Monitoring Statement 2015 acknowledges 'the absence of an up-to-date Unitary Development Plan...'.

- 6.3. It follows that the policies contained within the UDP to control the location of new housing development, cannot be regarded as being up-to-date and their weight is therefore significantly reduced.
- 6.4. Notwithstanding the expired state of the UDP, the decision to refuse planning permission has been based wholly on its Policies. The Policies relating to the location of new housing development are considered to be of particular importance requiring further scrutiny due to the lack of a 5-year housing land supply. The appeal proposal has been judged against these policies as set out below:

- **PS1 – New development for housing, employment and community services will be directed to within defined settlement limits/ employment areas** – the UDP development boundary and other linked policies are more than 5 years out of date. This is exacerbated by the lack of a 5-year supply of deliverable housing land and should therefore be a significant material consideration of utmost importance. This current situation means that there is a very strong argument to allow for some small-scale new housing development on the edge of settlements in the interest of social sustainability, in the same way that affordable housing is permitted.
- **PS2 - Development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment** – The proposed development is of a small scale and situated on the edge of the settlement and adjoining the settlement boundary. Section 2 of this statement outlines the reasons why it is considered that the

proposal would have minimal impact on the locality, the rural landscape and the Special Landscape Area.

- **PS3 – 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** – The proposed development site occupies low grade agricultural land comprising unimproved rough pasture. The availability of brownfield sites within rural settlements is strictly limited. It would be unreasonable to assume that all of the housing needs of the rural areas can be met on brownfield sites alone.
- **PS4 – 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 alternative to the car** – The settlement pattern in the location of the appeal site is characterised by dwellings that are all orientated to face towards the east across the Ceiriog valley. The site layout reflects and observes the same pattern of orientation. Glyn Ceiriog has a reasonable provision of bus services linking it with Llangollen, Wrexham and Chirk where regular train services operate between Chester, Shrewsbury and beyond. The Council is absolutely right to seek to reduce car dependency but needs to balance this against wider sustainability issues including the viability of rural communities.

- 6.5. The presumption in favour of sustainable development as set out in Planning Policy Wales (paragraph 4.2.2) should be the primary consideration in the absence of an up-to-date Development Plan.

7 Do the proposals represent sustainable development in a sustainable location?

- 7.1. Although neither the Decision Notice nor the Officer's Report makes any reference to sustainable development, the Appellant would like to discuss the issue here. This is primarily because of the presumption in favour of sustainable development as set out in section 4 of Planning Policy Wales.
- 7.2. Firstly, is Glyn Ceiriog a sustainable location? The sustainability of Glyn Ceiriog as a location for new housing development is accepted for it is included in the UDP and its settlement boundary is shown as inset map number 14 on the proposals map.
- 7.3. Furthermore, Glyn Ceiriog is a Tier 3 settlement (Local Service Centre) in the Draft Preferred Strategy of the emerging LDP. A Local Service Centre has fewer services than Key Settlements (Tier 2) and Wrexham with relatively good accessibility by non-car modes of transport.
- 7.4. The Settlement Hierarchy (Background Paper 2) shows the range of facilities and services that Glyn Ceiriog has under Appendix 4 – Settlement function and development potential spreadsheet. It is clear from this document that the village has a reasonable range of facilities including medical provision and school capacity.
- 7.5. There are also other facilities including a local shop/post office, pharmacy, public house, restaurant and the Glyn Ceiriog Centre with its sports hall, all weather outdoor sports courts, café, meeting rooms and bike hire. The Centre hosts a number of groups including various fitness classes, craft workshops, language and other special interest groups.

- 7.6. The appeal site is located less than 300 metres from the centre of the village and all services and facilities are within walking distance of well under 700 metres.
- 7.7. It should therefore be concluded that the position of the appeal site is in the heart of a sustainable location.
- 7.8. The second sustainability issue is concerned with the design and proposed construction of the appeal dwellings themselves. Section 4 of the Planning/ Design & Access statement makes an assessment of the proposed dwellings (4.6 - 4.9. pp 15 – 16) and concludes that the proposal will meet as far as possible the Passivhaus principles.
- 7.9. The five Passivhaus basic principles that would be met by the appeal proposal are thermal bridge free design, superior windows, effective heat recovery/ventilation system, high quality insulation and airtightness of the buildings.
- 7.10. Furthermore the incorporation of a sedum roof has multiple ecological and environmental benefits, thus reducing the carbon footprint of the proposed build thereby increasing sustainability. The benefits include:
- Creating a natural habitat for flora and fauna, which would aid local biodiversity and mitigate against any loss at ground level.
 - Reduced rainwater run off thus assisting storm water management.
 - Environmental masking – any visibility of the proposed dwellings from the west would be drastically reduced.
 - Increased photosynthesis and improved air quality.
 - Reduction in energy use/ carbon emissions by increasing roof insulation.

7.11. The proposed exterior finish comprises render and stone. The stone would be locally sourced thus further reducing the potential carbon footprint of the proposed build.

7.12. In summary, this section makes clear that the appeal proposal is sustainable development both in terms of location and design.

8 Other Matters

8.1. The Key Issues table of the Officer's Report shows that there are no issues regarding residential amenity, accessibility, highway safety, parking or conservation as a result of assessing the proposal.

8.2. There have been no objections raised to the proposed development by any of the following consultation bodies including, Highways, Public Protection, Natural Resources Wales and Welsh Water.

9 Concluding Comments

9.1. The appeal site is adjacent to the development boundary and could easily be assimilated within the built form of the village. The enclosed nature of the field means that development here would not represent a new direction for growth. The designated Special Landscape Area will need to be reviewed as part of the Development Plan process currently underway and the site is not part of the recently revised AONB. Views of the appeal site are rather more limited than suggested by the Officer's Report and the design takes account of the steeply sloping raised elevation by setting the proposed dwellings into the hillside.

9.2. The Appellant stands by the contemporary design of the proposed dwellings and the positive contribution they would make to the local area together with the high standard of living they would afford the occupier in this desirable location.

- 9.3. Reasons for refusal referring to insufficient information regarding trees and ecology are unjustified as there was no request made for additional information. If the Council require further information at this stage then this can be dealt with by planning conditions.
- 9.4. The Council acknowledges that it does not have a 5-year supply of deliverable housing land, but at the same time does not seem to recognise the valuable contribution that small sites continue to make to the overall delivery of housing at over 30% of the total.
- 9.5. The UDP is clearly out of date and not due to be replaced by an adopted LDP until March 2018 at the earliest. The presumption in favour of sustainable development should therefore be applied.
- 9.6. The appeal site is in a sustainable location and the proposed development is also designed to meet a high level of sustainability criteria. Therefore the Inspector is respectfully requested to allow the appeal.

David Parker Planning Associates
On behalf of Mr. & Mrs. D. Howell

April, 2016

