The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 25/07/16

gan Aidan McCooey BA MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11.08.2016

Appeal Decision

Site visit made on 25/07/16

by Aidan McCooey BA MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11.08.2016

Appeal Ref: APP/H6955/A/16/3148505
Site address: Land at Tyn-y-Cestyll Road, Glyn Ceiriog, Wrexham, LL20 7NL

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 David Howell against the decision of Wrexham County Borough Council.
- The application Ref P/2015/0902, dated 5 November 2015, was refused by notice dated 20 January 2016.
- The development proposed is the erection of 2 detached dwellings and a new access.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposal on the character and appearance of this area of countryside and on a Special Landscape Area (SLA) and the potential for harm to a European Protected Species (EPS) and to mature trees on the site.

Reasons

Impact on the Countryside and the SLA

3. Policies PS1 and H5 of the Unitary Development Plan prohibit residential development outside settlement limits with limited exceptions, which the proposal does not meet. The site is within a SLA and is part of a steeply sloping field with mature trees or hedging to three sides. The site lies close to the defined settlement limit for Glyn Ceiriog, which is a well-defined in this location, being formed by the topography and the line of buildings below the appeal site. There is some screening from mature trees around the site, but most of the eastern boundary where the proposed dwellings are to be sited is open. The proposal would be visually prominent above the settlement limit in some close and distant views from the east and north. There is a nearby public footpath from where the proposal would also be clearly visible. The proposed development would extend the built form above the existing buildings and would not constitute rounding-off of the settlement. The newer dwellings to the north are better screened and in line with the existing dwellings adjoining the site.

4. The design of the proposed dwellings would be modern with flat roofs, large balconies/patios and extensive glazing, with attached large double garages. This design would contrast sharply with the existing built environment and vernacular design in this attractive location at the foothills of the Berwyn Mountains. The orientation of the proposed dwellings would not overcome the concerns with their visual impact. The Local Planning Authority explains that revisions to the design were not requested due to the principle of the proposal being unacceptable. The works to create the access and cut the dwellings into the sloping site would exacerbate the visual impact on the countryside and the SLA. The proposed dwellings would not appear low rise but would be higher than the existing bungalows to the east. There would not be unacceptable overlooking given the intervening distance and difference in levels. However, the design would increase the visual impact identified above, which would not be screened as claimed by the appellants. It would take some time for any new planting to provide any such screening or softening of the development. The SLA boundary and the settlement limit have been defined following a proper plan process. In any event, there is little visible development at a higher level than the appeal site in the local area and what development there is appears to be well-established. For these reasons I consider that the proposal would cause harm to the character and appearance of the countryside and the SLA. It would also therefore be contrary to the provisions of Policies PS2, GDP1 and EC5 of the Unitary Development Plan.

Outdated Planning Policies and Sustainability

5. The Unitary Development Plan is beyond its end date and it is for the decision-maker to consider whether the Plan policies are outdated for the purposes of determining planning applications. The Council accepts that there is not a 5 year supply of land for housing. The latest Joint Housing Land Availability Study (JHLAS) showed a supply of 3.1 years. Tan 1[1] advises that "Where the current JHLAS shows a land supply below the 5-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". I consider that the Plan policies referred to address issues in a manner broadly consistent with Planning Policy Wales and are not out of date for that reason.

6. The proposal would make a modest contribution to housing supply. The appellants indicate that small sites of less than 10 units make an important contribution to the housing supply in Wrexham County Borough. That does not mean that all small sites outside settlement limits should be approved. The site's location is not so sustainable as claimed because the village is proposed to be a third tier settlement in the new Local Development Plan meaning it has limited facilities and employment opportunities. The location of new development is best decided in the context of the emerging Local Development Plan currently being prepared. I acknowledge that the design of the dwellings themselves would accord with sustainable building codes and be environmentally friendly. Overall, I conclude that the proposal would not constitute sustainable development due to the environmental concerns that have been discussed above.

[1] 6.2 of Technical Advice Note 1 Joint Housing Land Availability Studies January 2015

Effect on European Protected Species (EPS) and Mature Trees

7. The site has been surveyed by a qualified ecologist and the submitted report concludes that there may be the potential for a bat roost in a tree on the western boundary. This tree is to be retained and would be very unlikely to be disturbed by works to construct the proposal or the proposed access. Natural Resources Wales (NRW) considered that the report was adequate to assess the implications of the application for EPS, which includes all bat species, and stated that the conservation status of EPS would be maintained. NRW did not identify the need for any further survey work and had no objections to the proposal. I agree with this assessment and consider that the other matters raised by the Council could have been addressed by conditions related to lighting details.

8. It is agreed that most of the mature trees on the site would be unaffected by the proposal. The submitted arboricultural report identified a single tree of poor quality that would have to be removed. There may also have been some effect on hedging at the access. The Council's concern related to shading across the site from the mature trees to the west, which could lead to pressure to fell or top these important trees. These concerns were supported by an aerial photograph. The trees are at a higher level and would cast a shadow in the late afternoon and evening. The appellants point out that the dwellings are designed to principally face east and that tree preservation orders could be placed on the trees to safeguard them. I do not consider that shadows to sloping rear gardens would be sufficient justification to fell or top protected trees. I therefore conclude that both these concerns would not have been sufficient to refuse planning permission.

Other Matters

9. The position of the proposed access would be immediately adjacent to the existing dwellings on Tyn-y-Cestyll Road. Traffic would not therefore have to negotiate the very narrow rural lane and I note that the highway authority had no objection to the proposal. The relevant drainage consultees raised no concerns regarding flooding or the drainage arrangements in the area. These matters would not therefore justify the refusal of planning permission.

Conclusion

10. The Council does not have a 5 year supply of housing land and the proposal would make a modest contribution to increasing supply. This must be given considerable weight in reaching a decision where otherwise the proposal would comply with development plan policies. In this case there would be significant harm to the SLA and the rural setting of the village for the reasons given above. The proposal would therefore be contrary to the provisions of the identified policies of the extant Unitary Development Plan. The weight to be attached to the lack of a 5 year supply of housing land must therefore be less. Having regard to all matters raised, I conclude that the proposal would cause harm to interests of acknowledged importance that would not be outweighed by its benefits. The appeal should be dismissed.

A L McCooey

Inspector