
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 15/08/16

gan Aidan McCooey BA MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 06/09/16

Appeal Decision

Site visit made on 15/08/16

by Aidan McCooey BA MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 06/09/16

Appeal Ref: APP/H6955/A/16/3150690

Site address: Bank Farm Caravan Park, Whitchurch Road, Raggs Hill, Bangor-on-Dee, LL13 0BD

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs L Done against the decision of Wrexham County Borough Council.
 - The application Ref P/2015/0622, dated 17 august 2015, was refused by notice dated 14 April 2016.
 - The development proposed is the erection of two dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of this area of countryside within a Special Landscape Area (SLA).

Reasons

3. The appeal site is located in open countryside outside the defined settlement boundary of Bangor-on-Dee. It is currently in use as a caravan site, which the appellants plan to close and retire. The site is enclosed by a mature hedge to the front and trees to the western boundary. The rear and other side boundaries are defined by fences. There is a small shed-like building close to the eastern boundary. The site is accessed off a lay-by formed when the adjoining A road was improved. To the west there is a pair of traditional semi-detached houses in large plots, with another dwelling set well back from the frontage. To the east there are two large detached houses and then a complex of converted farm buildings.
 4. All new development is directed to existing settlements under Policy PS1 of the Wrexham Unitary Development Plan. Policy H5 allows for new dwellings outside settlement limits in certain circumstances, one of which is proposals for infilling. Local Planning Guidance Note 13: Housing in the Countryside provides guidance as to what constitutes acceptable infill development. I have considered this guidance and reach the following conclusions in relation to the matters addressed therein and the evidence
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before me. The proposal is for two dwellings which is permissible under the policy. There are dwellings on either side of the appeal site as described above. The policy requires that the site is a small gap comparable in size and scale to the plots of adjoining properties. The site is around twice the width of the adjoining plots and not therefore comparable in size with them. I consider that the proposal does not meet this aspect of the guidance. The appellant's point that two dwellings were chosen to complement the existing plot sizes is not what the guidance says. It is the width of the site that determines whether it is a small gap. The appellant states that two dwellings would never comply with this guidance because of the requirement to have dwellings of a similar size with comparable circulation space. I do not agree. For example where there is a pair of semi-detached dwellings within a frontage, a similar proposal on a small gap would meet this element of the guidance.

5. The guidance requires there to be a continuously developed highway frontage. It states that houses sited substantially away from the highway and properties within large plots with sizeable gaps to neighbouring properties are unlikely to constitute a continuously developed highway frontage. There is a highway frontage in this case formed by the lay-by. However, Highgate House is set well back from the highway and the adjoining semi-detached dwellings (Highgate Cottage and Highgate) have substantial side gardens. Highgate also has a substantial area of trees adjacent to the site. There is a building to building gap of around 120m between Highgate and the next dwelling to the east of the appeal site (Toftwood), with substantial trees and screening. This does not constitute a continuously developed highway frontage as defined in the guidance. I consider that it reads as two separate small groups of dwellings and buildings i.e. Highgate House, Highgate Cottage and Highgate, then Toftwood, Bank Farm and the former farm buildings. The site reads as a gap between the two groups that maintains the open rural character of the area. The proposal does not meet this aspect of the guidance.
6. The site does not meet the guidance in relation to infill development under Policy H5. Development for two dwellings as proposed would therefore be detrimental to the open character of this area of countryside, which is within a SLA. As the proposal does not meet one of the exceptions in Policy H5, it would also be contrary to Policy EC5.
7. The Council does not have a 5 year supply of housing land and the proposal would make a modest contribution to increasing supply. Technical Advice Note 1: Joint Housing Land Availability Studies states that this must be given considerable weight in reaching a decision where otherwise the proposal would comply with development plan and national planning policies. In this case there would be significant harm to the SLA and the rural area for the reasons given above. The proposal would therefore be contrary to the provisions of the identified policies of the extant Unitary Development Plan. I do not consider that the site is previously developed land as defined in Figure 4.4 of Planning Policy Wales Edition 8 because the land has been used as a caravan park, without any substantial permanent structures. The site is within 350m of the edge of Bangor on Dee, which has a range of local services. It is within walking distance and therefore in a reasonably sustainable location, albeit not within a settlement. However, the proposal would conflict with important Unitary Development Plan policies and so sustainability would not be a significant benefit of the proposal. I accept that all ecological issues could be addressed by conditions and the new planting and small pond would be a minor benefit to biodiversity. However, considering all the issues raised, the weight to be attached to the lack of a 5 year

supply of housing land must be less as the proposal would not comply with development plan policies.

Conclusion

8. The proposal would not constitute infill development under Policy H5. The site is an open gap between two clusters of buildings. Development would be detrimental to the character and appearance of this area of countryside within a SLA. The proposal would therefore be contrary to Policies PS1, PS2, EC5 and GDP1. The modest contribution to the supply of housing land and claimed sustainability benefits of the proposal would not be significant for the reasons given. 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