

**TOWN AND COUNTRY PLANNING ACT
1990**

Section 78 Appeal

**Local Planning Authority Statement of
Case**

**APPEAL RELATING TO LAND AT BANK FARM
CARAVAN PARK, WHITCHURCH ROAD, BANGOR
ON DEE, WREXHAM, LL13 0BD**

**PINS Ref: APP/H6955/A/16/3150690
LPA Planning Ref: P/2015/0622**

1.0 THE SITE

- 1.1 The appeal site is located approximately 0.3km east of the village settlement boundary of Bangor on Dee. The site fronts onto a layby/vehicular access cut through which appears to have once formed the former alignment of the A525 Wrexham to Whitchurch Road.
- 1.2 The parcel of land is an undeveloped stretch of land sited in between a sporadic group of dwellings, predominantly consisting of small cottages and a range of converted agricultural buildings.

2.0 PROPOSAL

- 2.1 Planning permission is sought in outline for the residential development of the land in question. Whilst in outline, the appellant had submitted an indicative overall masterplan of the site indicating the intention to develop the site with two detached dwellings with associated detached garages and individual vehicular and pedestrian access points.
- 2.2 All matters were reserved for further approval.

3.0 LOCAL PLANNING CONTEXT

- 3.1 The relevant development plan for this appeal is the Wrexham Unitary Development Plan (UDP) as adopted by the Council in 2005. For the purposes of this appeal, policies PS1, PS2, PS3, PS4, GDP1, EC4, H5, and T8 are relevant.
- 3.2 Policies PS1, PS2, PS3 and PS4 are strategic policies which aim to ensure the broad location of development.
- 3.3 Policy GDP1 states that 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 locality,
 - (d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
- 3.4 Policy EC4 seeks to ensure that important trees and hedgerows are afforded significant protection in determining whether development proposals are acceptable.
- 3.5 Policy H5 seeks to ensure that appropriate residential development in open countryside locations outside settlement limits.

- 3.6 Policy T8 requires that all new development should provide, either on site or in close proximity, parking provision in accordance with the Council's current parking standards.
- 3.7 Paragraph 4.1 of the UDP states that the Council will, from time to time issue supplementary planning guidance with the aim of encouraging high standards of development and design. Accordingly, Local Planning Guidance Notes 13 – Housing in the Countryside, 16 – Parking Standards, 17 - Trees and Development, 21 – Space Around Dwellings and 30 – Residential Design Guide are relevant.

4.0 THE COUNCIL'S CASE

- 4.1 The Council's case is set out at Appendix 1 in a delegated report.

5.0 CONCLUSION

- 5.1 The Council considers that the proposal would represent an inappropriate and unsustainable form of development in the open countryside that would not accord with the principles of established national and local policy relating to new residential development. The Council therefore respectfully requests that the Inspector dismisses the appeal.
- 5.2 Should the Inspector be minded to allow the appeal, the Council respectfully requests that consideration be given to the conditions listed at Appendix 2.

APPENDIX 1

P/2015/0622

Philip Forster

CONSULTATION RESPONSES	Objects	No Objection	Comments	Accepts/ Supports	No reply
Community Council					X
Local member(s)					X
Highways		Subject to conditions to control access standards			
Public Protection		Standard construction conditions and NTAs			
Natural Resources Wales		Subject to conditions for implementation of RAMs			
Welsh Water					X
Other					N/a
Neighbours	x2				

KEY ISSUES Principle of the development Visual impact	Summary of Relevant History (See SX3 History) P/2001/0291 – Caravan site to provide a total of 20 pitches and WC/shower block. Granted 10.12.2001
Action required	Committee ☒ /N (Check delegation scheme) (*Committee decision required if application requires an Appropriate Assessment) Relationship to Council Employee/Member?

PLANNING POLICY/CONSTRAINTS

UDP NOTATION	YES	ACCEPTABLE	NOT ACCEPTABLE
Outside settlement	X		X
Inside settlement			
Conservation Area			
Listed Building/ setting			
Green Barrier			
Special Landscape Area	X		X
Flood Risk			
Within Buffer Zone or affecting SAC*			
World Heritage Site			
AONB			
Other			

LPGN's No.	Title	ACCEPTABLE	NOT ACCEPTABLE
13	Housing in the Countryside		X
16	Parking Standards	X	
21	Space Around Dwellings	X	

WAG Guidance	Title	ACCEPTABLE	NOT ACCEPTABLE
PPW	Planning Policy Wales (Ed 8)		X
TAN 5	Nature Conservation and Planning	x	

KEY ISSUES	Acceptable	Observations below	Conditions Required	Not Acceptable	N/A
Residential Amenity		X		X	
Design* (see below)		X		X	
Accessibility*		X		X	
Highway safety	X	X			
Parking	X	X			
Conservation/LB					X
Ecology	X	X			
Landscaping					X
Other					X

Design Statement*	Yes	No	Comments
DAAS Acceptable	X		
Design Justified		X	See below
Design Acceptable		X	

*Refer to DAAS document on SX3 if applicable

OBSERVATIONS:

The proposal is made in outline for the erection of up to two dwellings with all matters reserved for further approval. The application is accompanied by an indicative layout plan which proposes two detached dwellings with detached garages and separate access points. Whilst this layout is not a final design, it can be relied upon as a general masterplan for the site for determining the final proposed layout.

The site is located outside any defined settlement limit. All new residential development is directed towards settlements (policy PS1) unless the limited circumstances set out policy H5 can be met. The development would not constitute the replacement of existing dwellings and no justification has been provided through a Rural Enterprise need. The proposal is therefore considered against the criteria for infill development laid out in policy H5 of the Wrexham UDP and associated guidance in LPG13 as well as the guidance set out in PPW.

LPG 13 sets out the council's position on what would constitute infill development. Infill proposals are defined as the 'the development of one or two residential units in a **small gap** along a continuously developed highway frontage within a clearly identifiable group of buildings'. A **small gap** within a clearly defined built frontage to a highway is generally considered suitable and can be infilled without adversely affecting the character and appearance of the area.

The proposed development adheres to the guidance in terms of proposed dwelling numbers.

A small gap should be comparable in size to the scale of the plots of the adjoining properties and should be able to accommodate the number of properties proposed. The width of the plot in question equates to 76 metres and there is no question that the site could accommodate two dwellings. However, I do not consider that the gap in question constitutes a small gap

comparable in scale to those of the neighbouring plots. For example *Highgate Cottage* and *Highgate* frontages to the west equate to 24 metres and 36 metres respectively. To the east, *Toftwood* (within applicants control), and *Bank Farm* have frontages of 38 metres and 42 metres respectively. The guidance is explicit that the application site, not the resulting proposed plots should respect the scale of neighbouring plots. This is clearly not the case in this instance and I consider that the proposal falls on this criteria.

To constitute infill, a plot is required to be within a continuously developed highway frontage. Dwellings that are situated away from the highway and have large front gardens and/or properties set within large plots with a sizable gap to neighbouring properties are unlikely to constitute a well-developed built frontage. The application fronts a highway which was the former alignment of the A525 and sits above and back from the current A525. However, I am satisfied that the site fronts a highway as the access clearly forms a street frontage.

However, I consider that the nature of the buildings which forms the frontage of the group of buildings is weak. When viewed from the west, the first dwellings (*Highgate Cottage* and *Highgate*) are semi-detached with large gaps between their footprints and the extent of their curtilages. Taking into account the gap between the footprint of *Highgate*, its curtilage, the development site and the curtilage of *Toftwood* and its footprint, this equates to a total distance of 120 metres. *Toftwood* and *Bank Farm* themselves are set within generous plots and are set against the former agricultural buildings of *Bank Farm*. I consider that this group of buildings, consisting of 4 dwellings to the highway frontage and the former agricultural buildings, across the entire 270 metre stretch constitutes more of a sporadic group of rural buildings and not a strong continuously developed frontage.

For this reason, I do not consider that the development of this site as proposed would meet the requirements of infill and by definition would not make a positive contribution to the locality, affecting the rural characteristics of the area. The site falls within a Special Landscape Area (policy EC5), and again, given the site is formed of a sporadic group of rural buildings and dwellings, the development would not make a positive contribution to the conservation and enhancement of the landscape.

Notwithstanding the above objections to the principle of the development, I have regard to all other material considerations and policy requirements.

Housing land supply

TAN 1 requires the LPA to have consideration as to how it intends to meet its housing need where there is no 5 year housing land supply (HLS) in place. The council will consider sites that are presented on their own merits that do not fall within the settlement limits.

This site is considered against the selection criteria set out in PPW. I do not consider that the site meets the site selection criteria set out in PPW. Whilst small sites are considered to make a contribution towards a shortfall in HLS, in this instance, I do not consider the potential harm to the character of the locality will outweigh the potential benefits to the HLS.

Highways

Highways raise no objection to the proposed development. The indicative plans propose two separate access points which can be achieved in accordance with standards. The site could adequately accommodate parking provision. The scheme would therefore accord with policies GDP1(d) and T8.

Ecology and Trees

Adequate assessments have been provided by the applicant to determine the potential impact of the development upon protected species. Were a favourable outcome recommended for this

proposal RAMs would be conditioned in accordance with those specified in the submitted protected species survey. The scheme would accord therefore with PPW and TAN 5.

There are two significant trees to the site frontage which are not proposed to be removed. These could be easily be accommodated as part of any proposed development of the site and again, appropriate conditions could be implemented were a favourable outcome recommended.

In summary, I do not consider that the proposal accords with policy PS1, PS2, PS3, PS4, GDP1, EC5 or H5 of the Wrexham UDP or the guiding principles contained in LPG13. I therefore recommend accordingly.

Reason for refusal

The site is located outside any defined settlement limit as defined by the Wrexham Unitary Development Plan (UDP). The proposal does not accord with the principles of Planning Policy Wales (Edition 8) and the requirements of policies PS1, PS2, PS3, PS4, GDP1, EC5 and H5 of the UDP or guidance contained in Local Planning Guidance Note 13 – Housing in the Countryside.

RECOMMENDATION SUMMARY

Recommend Refusal	Summary of Reasons	LM(s) Notified of Delegated refusal? (Include any response)	
x	Does not accord with rural exception policies for new housing in the open countryside.	Cllr R. Skelland – advised on telephone 26.01.2016 of proposed recommendation. No specific comments to make.	

Please complete Green Register Sheet with conditions/ reasons and any special instructions.

APPENDIX 2

Suggested Conditions

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:

- a. the layout of the building(s)
- b. the scale of the building(s)
- c. the appearance of the building(s)
- d. the means of access to the site and building(s)
- e. the landscaping of the site.

Reason: To ensure that the development fully complies with the appropriate policies and standards.

2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.

Reason: 003R

3. The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.

Reason: 003R

4. Prior to the commencement of development, a scheme detailing the following shall be submitted to an approved in writing by the local planning authority:

- a) a scheme of amphibian avoidance and mitigation proposals to include the measures identified in the approved ecological appraisal report of Pearce Environment Ltd dated July 2015;
- b) specification and locations of 1-way amphibian fencing and timescales for its erection and retention;
- c) a scheme of any bat friendly lighting to be erected;
- d) a scheme detailing a Biosecurity Risk Assessment to include (i) appropriate measures to control any INNS on site; and (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of development and restoration.

The development shall be carried out strictly in accordance with the measures and timescales as approved.

R: To ensure that the development is carried out in manner that will not cause detriment to species and their habitats which are afforded statutory protection.

5. The existing trees, shrubs and hedges shown on drawing(s) No(s). LD.01/TMJ.03 shall not be cut down, grubbed out, lopped or uprooted. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased shall be replaced with trees, shrubs or hedging plants of the equivalent size and species.

6. The details submitted in connection with condition 1 shall include an Arboricultural Implications Assessment to British Standard 5837:2012 dealing comprehensively with all tree issues. No part of the footprint of any dwelling or

any hard standing shall be constructed within any root protection area (RPA) which may be identified as part of this survey.

R: To protect trees which are of significant amenity value to the area and have habitat value for statutorily protected species.

7. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.

R: To protect the amenity of the neighbouring occupiers.

