

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
LAND ADJOINING AND NORTH OF CARTHAGENA FARM CARTHAGENA
LANE GRESFORD**

COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2015/0742

PINS REF: 3141124

1.0 THE SITE

- 1.1 The appeal site is a field fronting an unadopted road known as Carthagen Lane. The lane is accessed from Vicarage Lane some 90 metres to the north. The site lies approximately 500 metres from the centre of Gresford.

2.0 PROPOSAL

- 2.1 Outline planning permission is sought for the erection of a single dwelling.

3.0 NATIONAL PLANNING CONTEXT

- 3.1 Planning Policy Wales (Edition 7).
- 3.2 Technical Advice Note 1: Joint Housing Land Availability Studies
- 3.3 Technical Advice Note 12: Design
- 3.4 Technical Advice Note 18: Transport.

4.0 LOCAL PLANNING CONTEXT

- 4.1 The relevant development plan is the Wrexham Unitary Development Plan adopted 14 February 2005.

- 4.2 The policies directly relevant to this appeal are:

- H5 Housing in the Countryside
- EC1 Green Barriers
- EC5 Special Landscape Areas

- 4.2 The following policies are also relevant to the appeal proposal:

- GDP1 Development Objectives
- EC6 Biodiversity
- T8 Parking

- 4.3 The policies of the UDP are supplemented by a Local Planning Guidance Notes (LPGN). The LPGNs applicable to the appeal proposals are:

- LPGN13: Housing in the Countryside
- LPGN16: Parking

5.0 THE COUNCIL'S CASE

Infill Development

- 5.1 The site lies outside of a settlement limit and within a Green Barrier. In accordance with UDP policy H5 residential developments outside of settlement limits is normally only likely to be permitted where the proposals involve the conversion of a suitable building, the subdivision of an existing house, infilling, small affordable housing schemes on the edge of settlements and dwellings for rural workers. The appeal proposals were put forward as an infill plot.
- 5.2 The appeal site is a field with development on either side. There are three dwellings to the north of the site (Roft, Ilex and Carthagenia Villa) with frontages onto Carthagenia Lane. These dwellings form part of a larger cluster of development including dwellings fronting onto Vicarage Lane. There are also two dwellings to the south-east of the appeal site, Carthagenia Farm and Carthagenia. The former is a barn conversion and is set back from Carthagenia Lane behind a mature landscaped area.
- 5.3 The landscaped area to the front of Carthagenia Farm as well as the width and appearance of the application site contribute to the impression of Carthagenia Farm and Carthagenia being a separate cluster of sporadic rural development rather than forming part of an otherwise developed built frontage separated by only a small gap. It is worth noting that Local Planning Guidance Note 13 advises that field parcels separating the dwellings would not be appropriate as a small gap and it would be unlikely that this could be defined as a group.
- 5.4 For the reasons above, the Council contends that the appeal site does not form a small gap within an otherwise well-developed frontage. It can therefore not be considered an infill plot and therefore the development does not accord with policy H5. In fact allowing a dwelling to be erected on the site would result in the coalescence of two otherwise distinct clusters of development therefore having a detrimental impact upon the rural character of the site, its immediate surroundings and in turn the Special Landscape Area.

Green Barrier

- 5.5 The UDP designation of green barriers is consistent with the green wedges referred to in Planning Policy Wales. Planning Policy Wales advises that inappropriate development should not be permitted within green wedges. The erection of new buildings in Green wedges/barriers inappropriate development unless it is for the following purposes:
- justified rural enterprise needs;
 - essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
 - limited extension, alteration or replacement of existing dwellings;

- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
 - small scale diversification within farm complexes where this is run as part of the farm business.
- 5.6 Whilst PPW allows for infill development within green wedges/barriers, as already discussed above the Council contends that this site does not constitute an infill plot. As such the proposal falls within the definition of inappropriate development.
- 5.7 Openness is one of the most important attributes of a green barrier and whilst not defined in PPW or the UDP, arguably it can be considered as the absence of built development. Irrespective of whether a dwelling could be viewed from outside of the site or the wider landscape, the development will inevitably harm the openness of the green barrier and therefore the appeal proposals conflict with policy EC1.

Housing Land Supply

- 5.8 Planning Policy Wales (paragraph 9.2.3) requires Local Planning Authorities to ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing.
- 5.9 Because the UDP plan period expired in 2011 Wrexham is now unable to demonstrate whether it has a 5 year housing land supply. The Council recognises that where this is the case, the need to increase supply should be given considerable weight when dealing with planning applications.
- 5.10 Notwithstanding the above, in this instance the Council contends that the harm to the countryside and green barrier outweigh the benefit arising from the increase supply of land available for housing, particularly given the small contribution the development would make to that supply.

Other Matters

- 5.11 There is a mature oak tree towards the rear of the site that is considered to be a high amenity value. Were permission granted, protection measures would need to be put in place to ensure the tree was not damaged by construction works.

6.0 CONCLUSION

- 6.1 The site is located outside of a settlement limit and does not form a small gap within an otherwise well-developed frontage. The development will also result in the coalescence of two otherwise

distinct clusters of development resulting in detrimental impact upon the rural character of the site, its immediate surroundings and in turn the Special Landscape Area. The proposals therefore conflict with policies H5, GDP1 and EC5 of the Wrexham Unitary Development Plan.

6.2 The Council respectfully requests the appeal be dismissed.

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 building(s)
 - e. the landscaping of the site
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.
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.
4. No part of the development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:
 - i) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - ii) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - iii) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
 - iv) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - v) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
 - vi) Method for protecting retained trees during demolition works;

vii) Details of all proposed tree works, including felling and pruning.

5. The submissions made in respect of condition 01 shall include details of the location and layout of vehicular parking and turning facilities. Vehicular parking and turning facilities shall be laid out, surfaced and drained in strict accordance with the details as are subsequently approved prior to the first occupation of the dwelling and thereafter permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.

Reasons

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
2. To comply with Section 92 of the Town and Country Planning Act, 1990.
3. To comply with Section 92 of the Town and Country Planning Act, 1990.
4. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s).
5. To provide for the parking and turning of vehicles clear of the highway the interest of traffic safety.