
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/03/21

gan J Burston, BSc MA MRTPI AIPROW

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22/4/21

Appeal Decision

Site visit made on 16/03/21

by J Burston, BSc MA MRTPI AIPROW

an Inspector appointed by the Welsh Ministers

Date: 22nd April 2021

Appeal Ref: APP/H6955/A/20/3263573

Site address: Land at Hugmore Lane, Llan y Pwll, Wrexham, LL13 9YE

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 Dino Paletta against the decision of Wrexham County Borough Council.
 - The application Ref: P/2020/0466 dated 10 August 2020, was refused by notice dated 15 October 2020.
 - The development proposed is residential development to create 2 detached properties.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration. I have determined the appeal on this basis.
3. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and a healthier Wales.
4. Planning Policy Wales (PPW) edition 11 was published following the submission of the appeal. Nevertheless, the general content remains unchanged in relation to the main issues in this appeal and therefore the parties would not be prejudiced by me making a recommendation on the basis of the updated version of PPW.

Main Issue

5. The main issue is whether the proposal is consistent with local and national planning policies that seek to control development in the countryside and if not whether there are other material considerations sufficient to lead to a conclusion contrary to the development plan
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Reasons

6. The Wrexham Unitary Development Plan 1996-2011 (UDP), adopted 2005, is time expired. Nevertheless, it remains the development plan for the area.
7. The appeal site is close to but lies outside the UDP settlement limits. Whilst I note the appellant's comment that the site is physically and visually related to other residential development and the nearby Wrexham Industrial Estate, for the purposes of the adopted development plan, the proposal would represent development within the countryside for planning purposes.
8. PPW establishes at paragraph 3.38 that *"the countryside is a dynamic and multi-purpose resource."* At paragraph 3.39 PPW states that *"In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole."* Moreover, PPW Paragraph 3.40 sets out that *"Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities as the preferred locations for most new development including housing and employment provision."* However, PPW also acknowledges that the need to conserve the countryside should be balanced against the economic, social and recreational needs of local communities and visitors.
9. The relevant UDP policies broadly reflect the stance taken in PPW insofar as they relate to the control of new housing in the countryside in respect of sustainability principles. Policy PS1 of the UDP directs development for housing to areas within defined settlement limits.
10. Policy H5 of the UDP expands on Policy PS1 by allowing new dwellings outside defined settlement limits subject to a number of criteria. The appellant comments that the proposal would comprise infilling (criterion 'b'). However, as the Council rightly points out, the provision of policy H5 in respect of infill is now out of date in light of PPW, specifically paragraph 3.60¹. Nonetheless, UDP Policy H5 cannot be read in isolation, other policies such as UDP Policy GDP1 must also be considered.
11. UDP Policy GDP1 sets out the general development principles for all new development. In particular criterion 'a' ensures 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 nearby locality. Criterion 'e' also ensures that built development is located where it has convenient access to public transport facilities and is well related to pedestrian and cycle routes wherever possible.
12. The site would be located in reasonable proximity to a bus stop and employment opportunities within the nearby industrial estate. Nevertheless, other facilities such as grocery shops, medical services and schools would be some distance away in Wrexham.
13. I accept that many services are within an acceptable walking/cycling distance although what is acceptable will depend on a number of factors, including the mobility and fitness of the individual, the purpose of the journey and the convenience of alternative

¹ "Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity."

options. The nature, attractiveness and safety of the route are also relevant matters to be considered.

14. The pedestrian or bicycle journey to facilities in Wrexham would be along the A534 or the Bryn Estyn Road/Right of Way. Nonetheless, the A534 towards Wrexham is not ideal for comfortable pedestrian movement and would not be a walk that would be pleasurable to undertake, particularly at peak periods. Moreover, given the significant volume of traffic on the A534 I consider that cycling would not be for the inexperienced. In contrast, the Bryn Estyn Road is a quiet unlit rural lane, nevertheless, it would be less attractive for users during inclement weather or in the dark. Whilst some would travel on foot/cycle, I suspect that most people who have the choice would use the convenience of their car, especially as there is available parking close to shops and services.
15. The site would benefit from a nearby bus stop. However, I have no substantive evidence as to the level of service to determine whether it would be a "good" level of service that would encourage many people to use it in preference to the convenience of the private car.
16. Overall, I consider that this is a site where modal choice is and will remain relatively compromised. Future occupiers would therefore remain largely dependent on the convenience, flexibility and security of the private car for most of their journeys.
17. The Council, in its Statement of Case, sets out that the proposals would represent an undesirable intrusion into the rural landscape. I accept that the proposal would be within a small community of dwellings along Hugmore Lane. Nonetheless, development here would result in the loss of the existing tree copse that fronts Hugmore Lane. The relatively flat, expansive topography of the surroundings means that the existing buildings along Hugmore Lane are visible across the fields and prominent in the landscape, but the gaps between them, including the appeal site, reduce their cumulative visual impact. The proposed dwellings would fill one of these gaps, creating a longer stretch of development which would be more prominent in the landscape and would detract from the open, rural surroundings and harm the character and appearance of the countryside. Whilst this harm would be limited, it would nonetheless conflict with UDP Policy GDP1.
18. Drawing these matters together, I have found that the proposed development would not provide a suitable site for housing, particularly regarding the lack of access to sustainable transport modes and the harm to the character and appearance of the area. I attach significant weight to this harm. Whilst the UDP is time expired, it remains the extant development plan for the area and the plan's policies as referred to remain generally relevant in terms of sustainability as set out in PPW.

Other material considerations

19. The appellant states that there have been similar developments² in close proximity of the appeal site. The development referred to is some 300 metres to the north of the appeal site where Hugmore Lane has a consistent linear pattern of housing with a more built-up character to that of the appeal site. In such circumstances the Council granted planning permission as infill development, prior to PPW10 being published. Such circumstances differentiate the appeal proposal from this nearby development. As such this limits any weight I can attach to this matter.

² Planning permission P/2014/0930 refers.

20. The development would provide a limited number of dwellings, these would help to support a healthy supply of housing land and support, to a limited extent, the local economy. Such matters carry moderate weight in favour of the appeal.

Planning balance and conclusions

21. I have concluded that the proposal would not satisfy PPW or UDP policies with regard to locational sustainability and the harm caused to the character and appearance of the local area, which carries significant weight against the appeal. Whilst I have found that the proposal would contribute to a healthy supply of housing and support the local economy, which carries moderate weight in favour of allowing the appeal, this does not outweigh the harm I have identified. There are no other considerations which are sufficient to outweigh these conclusions.
22. Accordingly, for the reasons given above, and having had regard to all other matters raised, I conclude that the appeal be dismissed.

J Burston

INSPECTOR