



Report

by Mr A Thickett BA (Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Welsh Ministers

Site visit made on 7 January 2025

Reference: CAS-03494-D4F5X8

Date: 11/03/2025

Site address: Gamford House, Gamford Lane, Rossett, Wrexham, LL12 0EW

- The application was called in for decision by the Minister for Climate Change in a letter issued under section 77 of the Town and Country Planning Act 1990, on 4 June 2024.
- The application is made by Appleton Deeley Planning and Landscape to Wrexham County Borough Council.
- The development proposed is the redevelopment of the site with 10 carbon zero dwellings and associated landscaping works.

Summary of Recommendation: That planning permission be refused.

Preliminary and Procedural Matters

1. The matters which appear relevant to the Ministers' consideration are summarised as follows:
 - The proposal does not provide any affordable housing on site, is located outside a settlement boundary and within the countryside, contrary to national policy. The proposed development appears to be in a location where employment, education facilities or services would not be accessible by sustainable means of transport.
 - The application has made no assessment of updated environmental/biodiversity issues, including the step-wise approach, as set out in Chapter 6 of Planning Policy Wales (PPW 12) and against which the application should be determined.
 - Natural Resources Wales and the LPA's ecologist have concerns relating to the lack of detail and assessment of ecological issues.
 - The proposed development appears to conflict with policies in the recently adopted LDP and raises concerns, regarding its conformity with national planning policy in PPW, particularly in terms of placemaking and the creation of sustainable places, and compliance with the step-wise approach to site selection.

The Site and Surroundings

2. The site comprises a collection of buildings in varying stages of disrepair and ruin in the countryside to the east of Rossett. The site is accessed by Gamford Lane, a narrow, unlit lane with no footway. Albeit close to Rossett and a recently permitted development

which extends the settlement towards the application site, the area around the site is rural in character and appearance.

The Proposal

3. The demolition of the existing buildings, including the former and now derelict farmhouse and the erection of 10 dwellings. Nine dwellings would share an access off Gamford Lane and form a small estate around a central green. One dwelling would be served by its own drive off Gamford Lane to the east of the main development.

Policy

4. The development plan for an area usually includes Future Wales and the adopted Local Development Plan (LDP). The Wrexham Local Development Plan 2013 to 2028 was adopted in December 2023. Prior to that the Council decided not to adopt the LDP, twice. Those decisions were found to be unlawful by the High Court only to be overturned by the Court of Appeal. The Welsh Government has sought leave to challenge the Court of Appeal's decision in the Supreme Court. At time of writing, the Supreme Court has not decided whether to entertain the challenge to the Court of Appeal's decision.
5. The Council's decision to adopt the LDP is also subject to challenge in the High Court. At time of writing a date for the Hearing is not known.
6. Unless and until the Council's decision to adopt the LDP is quashed by the High Court, the development plan for the area is Future Wales and the LDP. Should the High Court quash the Council's decision to adopt the LDP, the development plan for the area would be Future Wales and the Wrexham Unitary Development Plan, 1996 to 2011, adopted in 2005 (UDP).
7. As I do not know what the position will be at the time Welsh Ministers make their decision, I will summarise the relevant UDP and LDP policies. I consider the different policy scenarios in the assessment section of this report.

The development plan

Future Wales

8. Policies 1 and 20 identify Wrexham and Deeside as a National Growth Area wherein there will be growth in employment and housing. Policy 2 requires development plans to include a spatial framework that guides growth and Policy 7 seeks to increase the delivery of affordable housing. Policy 9 requires all development to deliver biodiversity enhancement.
9. The site lies within the 'Green Belt – Areas for Consideration' shown on the Regional Strategic Diagram for North Wales. In such areas, Policy 22 resists major development except in very exceptional circumstances, until the need for green belts and their boundaries has been established by a Strategic Development Plan (SDP).

LDP

10. The LDP spatial strategy makes provision for growth within settlements (Policy SP2). Development located outside settlement limits is classed as development in the open countryside and will be strictly controlled and limited. Proposals for housing outside settlement limits will only be permitted where, amongst other things, it is necessary for a rural enterprise worker, a replacement dwelling or affordable housing rural exception sites on land adjoining settlement limits (Policy H7).

11. Under Policy SP1 new development will be expected to maximise the delivery of affordable housing where a need is identified. Policy H2 seeks contributions to affordable housing on developments of 10 or more units. Affordable housing should be delivered on site and commuted sums to off site provision will only be permitted in exceptional circumstances.
12. Development likely to affect protected species will only be permitted when there is no satisfactory alternative and no detrimental impact to the maintenance of the population (Policy NE1). Policy NE6 resists development that would have an adverse effect on the integrity of the River Dee and Bala Lake Special Area of Conservation (SAC). To ensure no adverse effect on the integrity of the SAC, development creating waste water discharges will be required to demonstrate there is no increase in phosphorus levels in the SAC.
13. Other policies of relevance include:

DM1	Development Management Considerations
CF2	Provision of New Open Space
T1	Managing Transport Impacts
T2	Active Travel

UDP

14. Policy PS1 directs new housing to land within settlement limits. Outside settlement limits new dwellings will only be permitted where, amongst other things, it comprises infilling or is essential to house someone employed in agriculture or forestry (Policy H5).
Proposals which improve the biodiversity value of sites are supported by Policy PS11. The site lies within a Green Barrier and a Special Landscape Area (SLA) wherein Policies EC1 and EC5 restrict development to that related to, amongst other things, rural enterprises.
15. Affordable housing should be provided on developments of 25 or more houses (Policy H7). Policies PS2 and GDP1 seek to ensure development harmonises with its surroundings. Policy EC6 seeks to protect and enhance biodiversity.

National policy and guidance

Planning Policy Wales (PPW)

16. An essential component for a sustainable place is where development is located. Development plans provide the basis for this by identifying areas and sites for new development (3.41). Spatial strategies should support the objectives of minimising the need to travel, reducing reliance on the private car and increasing walking, cycling and use of public transport (3.49).
17. Development in the countryside should be located within and adjoining settlements. New building in the open countryside away from existing settlements or areas allocated for development must continue to be strictly controlled. (3.60). Green wedges have the same purpose as Green Belts wherein there is a presumption against inappropriate development (3.68 and 3.69).
18. The planning system must, amongst other things, enable the provision of affordable housing (4.22). Where development plan policies require affordable housing, this will be a material consideration in determining relevant applications (4.2.30).
19. Decision makers must follow a step - wise approach to maintain and enhance biodiversity (6.4.11). SACs are of European importance and development may only be

permitted if it will not adversely affect the integrity of the site (6.4.29). The presence of a protected species is a material consideration. Surveys to inform the likely impact of a proposal on a protected species may be required to inform the development management process (6.4.35).

Technical Advice Note 5: Nature Conservation and Planning (TAN 5)

20. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. Planning permission should not be granted subject to a condition that protected species surveys are conducted and, if found, mitigation measures are submitted for approval (6.22).

The Case for Appleton Deeley Planning and Landscape

21. The following is a summary of the applicant's case.

Countryside/Sustainability

22. The legal challenge to the adoption of the LDP is a material consideration and, regardless of the outcome of the legal challenge, the spatial policies of the LDP are unsound.
23. Policy H5 of the UDP is out of date. Further, material considerations including national policy, the LDP, housing supply, deletion of Green Barrier and SLA status, the sustainable location and carbon zero credentials of the proposed development outweigh any conflict. The recent developments at Rossett Road and Darland High School mean that the rural character of the location no longer exists.
24. The site is not in a green barrier or SLA as defined by the LDP. The Settlement Boundary Review supporting the LDP led to the revision of the settlement boundary closer to the site. PPW states that when identifying sites for development, consideration should be given first to the reuse of previously developed and/ or underutilised land within settlements, then land on the edge of settlements. This brownfield site is within 150 metres of the settlement boundary.
25. The proposed development presents an opportunity for the redevelopment of a brownfield site to meet the following objectives of the outdated UDP and the LDP.
- Redevelopment of brownfield land before using greenfield sites
 - Provision of high-quality residential amenity for residents
 - Augmented design standards and building quality
 - Protecting and enhancing openness in the countryside,
 - Meeting a need for high quality executive homes,
 - Better water quality, air quality, soundscape, ecology and less vehicle movements than the resumption of the lawful uses.
26. The site is in a sustainable location. The proposed development would augment the openness of the countryside and enhance design quality in the area. UDP Policy EC15 states action will be taken to protect and enhance general amenity through the reclamation and restoration of derelict sites.
27. The climate emergency requires urgent action on carbon emissions. The planning system must help Wales lead the way in promoting and delivering a competitive, sustainable decarbonised society. Decarbonisation commitments can only be realised through the implementation of appropriate carbon zero developments. The proposed

new homes will be zero carbon, energy efficient, and will help communities adapt to the changing climate.

Housing need

28. The site lies in a National Growth Area and the proposed development would contribute to both housing numbers and economic growth. The LDP requirement of 7,750 homes equates to 517 per annum. The rate of completions between 2013 to 2021 was 254 units per annum. This is a significant under supply. In addition to allocations, the housing requirement is expected to be delivered by other components including windfalls. This development presents such an opportunity.

Planning history

29. In 2016 planning permission was granted for the conversion of barns to 8 dwellings and two new semi-detached houses. Replacing the existing farmhouse and the demolition of remaining structures on the site.

30. A Certificate of Lawfulness of Existing Use or Development was granted on 9 July 2021 for a mixed-use area consisting of agricultural, Class B2, Class B8, haulage operator's yard, and haulage business, along with an ancillary HGV maintenance depot (Sui Generis).

Affordable Housing

31. The provision of a commuted sum was agreed prior to the determination of this application. This obligation has been a consideration in the applicant's redevelopment scheme.

Green Belt - Areas of Consideration

32. The proposal is not major development and the need for a Green Belt here has not been established. The recent developments in the vicinity of the site and change to landscape quality will inevitably rule the location out of inclusion within a Green Belt. The site is not in an isolated rural location and the recent developments at Rossett Road and Darland High School, ensure that the landscape is urban in character. A Green Belt would be inappropriate at this location.

Green Infrastructure Statement (GIS)/Biodiversity

33. The following is a summary of the appellant's GIS.

34. Ecology surveys have been undertaken and sufficient information is submitted to demonstrate the development would not adversely impact statutorily protected species and their habitats. The proposal accords with LDP Policies SP14 and NE1, TAN 5 and PPW.

35. A preliminary ecological appraisal was undertaken in February 2023 and a reptile survey was conducted between June and early September that year. Habitats recorded within and adjacent to the survey boundary include semi-natural broadleaved woodland, poor semi-improved grassland and bramble. No protected species were observed during the survey but the woodland and scrub were thought likely to provide shelter to small tree nesting birds and provide linear features along which bats are likely to commute.

36. The existing hedgerow and pond will be retained. The proposed development will result in the loss of scrub and neutral grassland. This could result in a net loss in biodiversity. Other habitats to be lost include existing buildings, hard standing and bare ground but this is likely to have a minimal impact due to the low ecological value of these habitats.

37. The pond on site and nearest pond off site were found to have a medium population of great crested newts in 2019. A later survey found the ponds to be suitable for great crested newts and the site contains optimal habitat in the form of rank, tussocky grassland, dense scrub and hedgerows. It is likely great crested newts are present within the ponds and on the site.
38. Bats were recorded on site in 2015 and 2019. The 2023 survey found buildings to have moderate habitat value for supporting roosting bats. No evidence was found of barn owl nesting or roosting but the barns are suitable for barn owl nesting. A barn owl was noted perching in a tree on site during the survey.
39. The design of the buildings, hardstandings and other features focus built elements where they would do the least harm. The built form would be complemented by new habitats with suitable features for wildlife. Retained areas of habitat will be improved such that their condition and diversity are enhanced and connectivity maintained.
40. Biodiversity enhancement would be delivered by use of native species for hedgerows, and lawns with a species mix to maximise floral diversity. The pond would create opportunities for new species which would enhance the diversity of species in the area. The location and form of these features has been carefully considered such that their connectivity enhancement is ensured. These improvements could be secured by a Landscape and Ecological Management Plan (LEMP).

Phosphates

41. It is proposed to use a pond on the site to address phosphate neutrality requirements. The scheme is for 10 dwellings, there is an existing dwelling on site, though it has not been occupied for around 8 years. The development will connect to mains sewerage running to the wastewater treatment works at Lavister. The development will incorporate grey water recycling which will reduce the load on the wastewater treatment works. This would save 25 litres per person per day and it is anticipated the development would discharge around 2,500 litres per day.
42. Taking into account the likely water usage per occupant, existing usage, the annual phosphorus load from the proposed development and the use of a pond on site to bank 0.1kg/year of atmospheric phosphate, the total annual phosphorus load to mitigate as a result of the proposed development would be 11.54 Kg TP/year.
43. The Lavister Waste Water Treatment Works has the capacity to strip the phosphorous from the proposed development. Dŵr Cymru and NRW confirm that the proposed development is unlikely to have a significant effect on the River Dee and Bala Lake SAC.

Wrexham County Borough Council

44. PEDW was informed that as the Planning Committee decided to grant planning permission contrary to officers' recommendation, it would be for Ward Councillors and Members to set out why the proposed development should be approved. Nothing has been received from the local planning authority in this regard.
45. I sought the views of the parties on the policy position, whether the site lies in a 'The Green Belt – Areas for Consideration' and phosphates. Council officers responded as follows.

The development plan

46. The LDP was adopted in December 2023 and is part of the development plan. The adoption of the LDP is subject to challenge and should the High Court find the adoption of the LDP was not lawful, it is likely to cease to have development plan status. The

Court of Appeal judgement does not change the status of the LDP, it remains part of the development plan and the application should be determined with regard to LDP policy unless material considerations indicate otherwise.

47. If the High Court finds the decision to adopt the LDP was not lawful it would return to the status of an unadopted plan. Paragraph 9.4.8 of the Development Management Manual advises the weight to be attached to an unadopted LDP will depend on the stage it has reached within the plan making process; with certainty regarding the content of the plan being achieved when an Inspector delivers a binding report. The LDP has been subject to examination. It was found to be sound and should be afforded significant weight as a material consideration.
48. Should the High Court find the decision to adopt the LDP was not lawful, the Unitary Development Plan (UDP) would regain development plan status. The UDP was adopted in 2005, the plan period expired in 2011 and the evidence base is over 20 years old. Where conflict exists between the UDP and the LDP or PPW and TANs, the later documents should be afforded greater weight.

Green Belt - Areas of Consideration

49. The Green Belt – Areas for Consideration covers an extensive area to the north and east of Wrexham including the application site. Policy 22 of FW states it is for a SDP to identify a green belt around Wrexham and Deeside. The proposed development would constitute inappropriate development within a Green Belt. However, the SDP is in the early stages of preparation and little weight should be given to the potential inclusion of the site within a Green Belt.

Statutory Consultees

NRW

Protected Species

50. The Preliminary Ecological Appraisal conducted in 2023 contains insufficient information to assess the need for avoidance and mitigation measures in relation to bats and great crested newts. Further information should be submitted to demonstrate the proposed development would not have a detrimental impact.
51. Should the surveys identify the presence of either bats or great crested newts the following information should be submitted:
- Reasonable Avoidance Measures,
 - Mitigation/Compensation Measures,
 - Site management/roost maintenance scheme,
 - Post Construction monitoring,
 - Measures required to prevent or reduce accidental capture or killing,
 - Ecological Compliance Audit identifying Key Performance Indicators to be used for the purposes of assessing and evidencing compliant implementation of proposals.
 - External lighting/internal light spillage assessment (bats).

Phosphates

52. The proposed development could lead to an increase of phosphorus load from the receiving Waste Water Treatment Works into the River Dee SAC. The majority of the River Dee catchment in Wales is failing its water quality targets for phosphorus. The

nutrient impacts of new connections need to be considered on a case-by-case basis within the Habitats Regulations Assessments (HRA) process. A review of water company discharge permits has been completed but further data analysis for the River Dee is being undertaken following questions from Inspectors. Further advice will be provided once this work is finished.

53. There are measures being put in place to reduce phosphorus losses from the land use sector to the river environment including voluntary interventions such as riparian fencing, tree planting, and in-river habitat restoration. Although it is reasonably certain some of these measures will happen and lead to reductions in phosphorus discharges, it is difficult to quantify the benefits these measures will deliver and confirm timescales. It is expected these measures will form part of Nutrient Management Plans being developed by Nutrient Management Boards.
54. The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (CoAPR) were introduced by Welsh Government to reduce nitrogen losses from agricultural land. While the Regulations are currently directed at nitrogen, the measures will also have indirect benefit in reducing phosphorus discharges from land. Compliance with the Regulations is a legal requirement and therefore is a measure to reduce nutrient losses from land that is certain. NRW has a farm inspection programme that aims to deliver compliance with the Regulations and we are currently considering its contribution as part of the aforementioned review.

Contaminated land

55. Given the site's former uses, should planning permission be granted, conditions should be imposed requiring remediation.

Dŵr Cymru

56. At the time the application was made to the Council, capacity existed within the public sewerage network to receive domestic foul flows from the proposal. The Lavister Wastewater Treatment works has a phosphate consent limit of 1 mg/l, which includes ferric dosing, and operates within the current consent limits. There are proposals to achieve improvements to overall discharges from the works but the P limit remains at 1 mg/l, in accordance with the review of permits undertaken by NRW.

Cadw

57. No objection

Written Representations

58. Representations in support of the proposed development, including Rossett Community Council and Councillors were received by the Council and in response to the call in. Support is given on the following grounds:

- Redevelopment of a derelict site
- The site attracts anti social behaviour
- Removal of non conforming uses
- The provision of eco homes and reduction in carbon footprint
- Benefits to biodiversity
- Increase housing supply
- Sustainable location

59. Residents would also welcome improvements to the road and traffic calming measures.

Assessment

60. I consider the main issues to be:

- whether the proposed development should contribute towards affordable housing,
- whether the proposed development conflicts with national and local policy designed to protect the countryside and promote sustainable development,
- the impact of the proposed development on the character and appearance of the area,
- the impact of the proposed development on biodiversity and the integrity of the River Dee and Bala Lake SAC,
- whether the proposed development conflicts with FW Policy 22 regarding major development in Green Belt – Areas for Consideration.

Policy

61. Depending on the deliberations of the Supreme Court and outcome of the challenge in the High Court, at the time Welsh Ministers make their decision, the development plan will either be FW and the LDP or FW and the UDP. Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

62. Such material considerations include later national policy and guidance, this is of particular relevance to the UDP given the significant changes in national policy in the 20 years since its adoption. Should the decision to adopt the LDP have been quashed, having been through examination and found to be sound, the policies of the LDP are also a significant material consideration in this case.

Affordable Housing

63. The proposed development would not trigger a requirement for affordable housing under Policy H7 of the UDP. Given the age of the UDP and even older evidence base, little weight should be given to its policies regarding affordable housing. The evidence base supporting the LDP should be favoured, as should LDP Policy H2.

64. The applicant does not dispute and I see no reason to doubt there is a need for affordable housing. No affordable housing is proposed on site. The applicant states the payment of a commuted sum towards provision elsewhere was agreed and an obligation has been a consideration. However, the magnitude of any contribution has not been agreed and no planning obligation has been submitted. In the absence of a mechanism to deliver affordable housing, the proposed development conflicts with Policy H2 of the LDP and national policy as set out in PPW.

65. Should Welsh Ministers be minded to grant planning permission, prior to it being granted, the applicant should be invited to enter into a Section 106 Agreement with the Council or submit a unilateral undertaking committing to pay the sum required by the Council.

Countryside/Sustainability

66. The site lies outside the defined settlement limit of Rossett and in the open countryside as defined in the LDP and UDP. The proposed development conflicts with LDP Policy SP2 and UDP Policy PS1, which in accordance with national policy, direct new residential development to sites within settlement limits. Nor does the proposed

development find support in LDP Policy H7 or UDP Policy H5 which set out a limited number of circumstances where new residential development may be permitted outside settlement limits.

67. The site is accessed by an unlit lane which is narrow in places and has no footway. It is highly likely prospective residents would be heavily reliant on the private car for trips to the shops, work, education, health and other facilities, especially in the dark and in inclement weather. Should the buildings be repaired and reoccupied for the uses set out in the lawful development certificate, this would also generate vehicle movements including employees, deliveries and possibly customers. However, I do not consider this justifies permitting a development which conflicts with local and national policy regarding the location of new housing.
68. PPW states that just because a site in the countryside constitutes previously developed land that does not, in itself, justify otherwise unacceptable and unsustainable development. The argument that a site is unsightly could be repeated many times and undermine the strict control over development in the countryside. The proposed zero carbon construction is laudable but is not related to the location of the site. Such development could and should take place within settlement limits and I afford this little weight.
69. The proposed development conflicts with Policies SP2 and H7 of the LDP, Policies PS1 and H5 of the UDP and national policy safeguarding the countryside and promoting sustainable development set out in PPW.

Character and appearance/Placemaking

70. The site lies in the open countryside. Albeit close to Rossett and a recently permitted development which extends the settlement towards the application site, the area remains rural in character and appearance. Notwithstanding the use of the buildings before they were vacated, the layout, form and appearance of the buildings is akin to a large farmstead commensurate with their rural setting. I agree with my colleague who in dismissing an appeal for redevelopment for housing in 2019 said '*The site has an agricultural character in a wider rural setting which contains other clusters of residential properties with agricultural origins.*' (APP/H6955/A/19/3237654).
71. Except for the proposed bungalow, the development would turn its back on Gamford Lane. The proposed development would appear as an enclosed, internally facing enclave of suburban executive style houses, at odds with its rural surroundings. I conclude that the proposed development would have a detrimental impact on the character and appearance of the area and conflicts with Policy DM1 of the LDP, Policies GDP1 and PS2 of the UDP and the placemaking principles enshrined in PPW.

Biodiversity

72. The step wise approach requires an understanding of a site's ecological value to inform decisions on site selection, design, mitigation and, if necessary, compensation. A Preliminary Ecological Appraisal was conducted in 2023. The applicant considers the survey information to be adequate but both NRW and the Council's Ecologist disagree and recommended further surveys. At Table 8 of their report the applicant's consultant recommended a bottle-trapping survey of great crested newts take place in 2024. The consultant also recommended additional surveys for bats. I see no reason, therefore, to put aside the concerns of NRW or the Council's Ecologist. Although the applicant has promised to conduct further surveys nothing is submitted to indicate any have been undertaken.

73. In the absence of adequate surveys, I cannot be certain the development would not have an adverse impact on protected species. It is not appropriate to leave such important matters to condition and I find that the proposed development conflicts with LDP Policies SP14 and NE1, UDP Policy EC6 and national policy set out in PPW and TAN5.

River Dee and Bala Lake SAC

74. The site is within the catchment of the River Dee and Bala Lake SAC. The SAC is failing with regard to water quality targets for phosphorus. High concentrations of phosphorus lead to the process of nutrient enrichment and can alter the balance of plant species resulting in significant ecological damage. To conclude that the proposal would not have a likely significant effect on the integrity of the SAC it is necessary to find it would not result in an increase in phosphates entering the SAC.
75. The applicant's phosphate calculations are noted but the proposed development would lead to the creation of new dwellings which, by introducing additional foul drainage into the sewerage system, would increase the amount of phosphorus being discharged from the site. The waste water treatment plant which would treat the effluent from the proposed development has had its permit reviewed.
76. Nonetheless, the SAC is failing. In order to find there would be no likely significant effect, I must be certain either there would be 100% phosphate stripping at the waste water treatment plant of the loading produced by the development, or such a measure has or will be secured and improvements in other sectors (mainly agriculture) have or will be delivered within the life of the permission. Further, in the latter scenario, I need to be assured improvements are expected to ensure that the SAC would no longer be failing.
77. Dŵr Cymru refer to planned improvements at the waste water treatment works but phosphates limit would stay the same. NRW draw my attention to measures being taken in the agricultural sector to reduce phosphorous. Nonetheless, some are voluntary and there is insufficient evidence before me to conclude these measures are secured or would deliver the necessary reductions in phosphorous. I cannot conclude, therefore, that the proposed development would not have an adverse impact on the integrity of the SAC. In light of this conclusion, I see no need to carry out an Appropriate Assessment.

Green Barrier/Green Belt Areas for Consideration

78. The UDP Green Barrier designation was reviewed through the LDP. The decision not to carry it forward into the LDP was found to be sound and I consider this limits the weight to the designation should the UDP be in force when the decision on this case is made.
79. The site lies in an area FW has identified as suitable for a Green Belt. To safeguard these areas ahead of the production of a SDP, FW Policy 22 resists major development unless there are very exceptional circumstances. Major development is defined in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as, amongst other things, 10 or more dwellinghouses. The proposal meets the definition of major development and is not identified in PPW as being appropriate in a Green Belt.
80. The proposed development would not be as dense as the existing buildings but would be more widely spread. That and the inevitable domestic paraphernalia in the gardens would have an adverse impact on openness. I acknowledge the site does not lie in a designated Green Belt but the threat to openness adds weight to the policy objective of resisting major development in Green Belt Areas of Consideration unless there are very exceptional circumstances. The proposed development conflicts with FW Policy 22.

Fallback - Resumption of lawful uses

81. The site has a lawful use for agricultural, Class B2, Class B8, haulage operator's yard, and haulage business, along with an ancillary HGV maintenance depot. Given past problems, residents are understandably concerned that a return to commercial or industrial use would have an adverse impact on their living conditions. But a fallback position only has weight if it is likely to happen.
82. The applicant states that when the site was purchased in 2017, vandalism had rendered the buildings beyond economically viable conversion and so did not implement the 2016 permission to convert the barns and build two semi-detached houses. I appreciate the cost of renovation for commercial uses is likely to be less than for residential. Nonetheless, eight years later it's likely the existing buildings are even more dilapidated and, if converting the buildings was not a viable proposition in 2017, it seems unlikely to be so now. Even if renovation is possible, which, given the acknowledged derelict state of the buildings, also appears unlikely.
83. Whilst the lawful use of the site would be a material consideration, any new build for commercial use would require planning permission. This would provide an opportunity to ensure buildings comply with modern insulation and noise standards and to impose conditions to safeguard the living conditions of people living nearby. I, therefore, give little weight to the fallback position.

Housing supply

84. The consistent failure to meet the LDP housing trajectory is noted but the modest contribution of 10 dwellings does not outweigh the significant policy conflict and harm identified above.

Conditions

85. The Council submitted a list of conditions it considers should be imposed if Welsh Ministers are minded to grant planning permission. None of the buildings on site have been identified as having architectural or historic merit. Further, considering the derelict condition of the existing buildings, I see no value or planning purpose to require a historic building survey.
86. Should Welsh Ministers decide to grant planning permission, the conditions in Appendix A are necessary and satisfy the tests in Circular 16/14.

Conclusions

87. The site lies outside the settlement boundary of Rossett as defined in the UDP and LDP and the proposed development is not of a type deemed acceptable in the countryside in national and local policy. Due to the site's location and nature of Gamford Lane, prospective occupiers would be heavily reliant on the private car and the site cannot be said to be in a sustainable location.
88. The proposed development would have a detrimental impact on the character and appearance of the area. There is a recognised need for affordable housing but none is proposed on site nor is there a mechanism before Ministers to provide a contribution.
89. The proposed development is likely to have an adverse impact on the River Dee and Bala Lake SAC and insufficient information has been submitted regarding the effect of the proposed development on bats and great crested newts. The site lies in a Green Belt Area for Consideration wherein major development may only be permitted in very exceptional circumstances.

90. I do not consider the potential impact of the re use of the site for industrial or commercial use outweighs the conflict with national and local policy controlling development in the countryside and promoting sustainable development, the lack of affordable housing and harm to protected species. Nor do I consider the applicant has demonstrated very exceptional circumstances necessary to comply with FW Policy 22.

Recommendation

91. For the reasons given above and having regard to all matters raised, I recommend planning permission should be refused.

92. In making this recommendation, 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 recommendation is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Anthony Thickett

Inspector

APPENDIX A: Schedule of Recommended Planning Conditions

The reasons for conditions 3 to 8 include LDP and UDP policies. Should Ministers be minded to grant planning permission, one or other will need to be deleted depending which plan is in force at the time.

1. The development shall begin no later than five years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990.

2. The development shall be carried out in accordance with the following plans: the 1:1250 Location Plan and drawings nos. PL01, PL02, PL03, PL04, PL06, PL07, PL09, PL10 and L02.

Reason: To ensure the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.

3. No development, demolition or site clearance shall take place until a scheme to provide mitigation for bats, protection and mitigation for great crested newts and to secure a net benefit for biodiversity has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the development delivers net benefit to biodiversity in accordance with LDP Policy NE1/UDP Policy EC6.

4. No development shall take place until an investigation of the nature and extent of contamination on the site has been carried out in accordance with details to be submitted to and approved in writing by the local planning authority. If any contamination is found no part of the development hereby permitted shall commence until a scheme specifying remediation measures to render it suitable for residential occupation has been submitted to and approved in writing by the local planning authority. Remediation works shall take place in accordance with the approved scheme. If during the course of development any

contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the local planning authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

Reason: To safeguard prospective residents in accordance with LDP Policy DM1/UDP GDP1.

5. No dwelling shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 4 above have been satisfactorily carried out, has been submitted to and approved in writing by the local planning authority.

Reason: To safeguard prospective residents in accordance with LDP Policy DM1/UDP GDP1.

6. No development shall take place until samples of all external facing and roofing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance the approved details.

Reason: To safeguard the character and appearance of the area in accordance with LDP Policies DM1, SP12 and SP14/UDP GDP1.

7. The development hereby permitted shall not be occupied until visibility splays of 2.4 metres x 43 metres in both directions measured to the centreline of the adjoining highway are in place at the access to the nine dwellings as shown on the Proposed Site Plan. Within these splays there shall be no obstruction more than 1 metre in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

Reason: In the interests of highway safety in accordance with LDP Policy DM1/ UDP GDP1.

8. No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard the character and appearance of the area in accordance with LDP Policies DM1, SP12 and SP14/UDP GDP1.

9. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales