

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
GWYLFA RUTHIN ROAD BWLCHGWYN WREXHAM**

COUNCIL'S STATEMENT OF CASE

**PLANNING REF: P/2019/0627
PINS REF: 3244832**

1.0 THE SITE

- 1.1 The appeal site lies to the north-east of the dwelling Gwylfa and occupies approximately 40% of the curtilage of that property. The site fronts onto the A525 Ruthin Road.

2.0 SITE HISTORY

Extension to Gwylfa

- 2.1 P/2016/0593 Demolition of single storey extension and erection of new two storey extension. Granted 8.9.2016

3.0 PROPOSAL

- 3.1 Outline permission is sought for the erection of a single dwelling. All matters are reserved for subsequent approval.

3.0 LOCAL PLANNING POLICY

- 3.1 Wrexham Unitary Development Plan is the adopted development plan for the area. Policies relevant to this appeal are policies PS1, PS2, PS3, PS4, EC1, H5 and GDP1.

4.0 THE COUNCIL'S CASE

Planning Policy

- 4.1 The site is located in a cluster of existing dwellings but is outside of a settlement and within a green barrier as defined in the Unitary Development Plan. The Wrexham Local Development Plan (LDP) is still, at the time of writing, subject to Examination in Public and can therefore be afforded limited weight. However it is the Council's intention that the site remains outside of the settlement limit. It will also be subject to a Green Wedge designation in the LDP.
- 4.2 Whilst it is acknowledged that policy H5 permits infill development in the countryside, this is not consistent with Planning Policy Wales 10. Paragraph 3.56 of PPW10 directs development in the countryside to new sites within or adjoining existing settlements. Paragraph 3.56 also indicates that infilling minor extensions to existing settlements may be acceptable, but places this in the context of meeting a local need for affordable housing, or where it can be demonstrated that the proposal will increase economic activity. There is insufficient evidence within the application to demonstrate that this is the case. Notwithstanding the site address including the village of Bwlchgwyn, the nearest settlement to the site is in fact Minera. The site is neither within or adjoining Minera, lying approximately 150 metres outside of the settlement limit.

The proposals therefore clearly conflict with paragraph 3.56 in respect of housing development in the countryside.

- 4.3 The site is also in Green Barrier. Policy EC1 of the UDP and Green Wedge (Green Barrier) policy in PPW are broadly concurrent in their aims. New dwellings in such locations is inappropriate development by definition. There may be instances where exceptional circumstances may be demonstrated to the contrary. In this instance, no such justification has been offered. In this regard, the development would be inappropriate in the Green Barrier.
- 4.4 In addition to infill policy H5 does allow for residential development in a limited number of other circumstances, namely subdivision of an existing dwelling, conversion of a suitable building or a dwelling required to house a rural worker on or close to their place of work where there is a clear need identified. The proposals do not, by definition, constitute subdivision or conversion and no evidence is offered in respect of a rural enterprise dwelling.
- 4.5 It is acknowledge that the UDP plan period expired in 2011 and in accordance with TAN1 advice, Wrexham has a housing land supply of zero. It is also acknowledged that there is a need to provide additional land for housing in the County Borough. The LDP makes provision for 8525 dwellings to meet a need of 7750 dwelling over the 2013-2028 period and identifies a requirement to allocate sites for development in order to meet that need. The majority of sites proposed for allocation in the LDP lie outside of but adjoining existing settlement limits.
- 4.6 Whilst it is clear that meeting the County Borough's housing needs requires the release of land outside of existing settlement limits, the Council maintains there the appeal proposals represent a clear departure from both existing UDP policies as well as PPW advice. Taking this and the modest contribution a single dwelling would make to the overall supply of housing, the Council considers that there is no justification to allow residential development in this location.

Other Matters

- 4.7 Notwithstanding the issue of principle, it would appear possible to develop the site without having an adverse impact upon the amenity of the neighbouring occupiers. There is sufficient land available to provide for dwelling which would adhere to the council's adopted separation standards set out in Local Planning Guidance Note 21 and also allow a sufficient degree of open space.
- 4.8 Highways are satisfied that an adequate access can be provided at the site frontage on to the A525 in accordance with Welsh Government visibility standards. Adequate parking and turning can be provided.

- 4.9 No objections are raised by NRW to the development. Comment is made that the applicant has not indicated a method of foul water disposal but the site is within a publically sewered area. The Council is satisfied that the proposal is acceptable in this respect and the adequate design is a matter for the building regulations.
- 4.10 A public sewer crosses the site with Welsh Water requesting a 3 metre easement. Development can occur on the site leaving a sufficient easement.

5.0 GROUNDS OF APPEAL

- 5.1 The appellant has referred to a large dairy development that was permitted in the locality. The Council believes that these are extensions to the Tomlinson's Dairies site on the Five Crosses Industrial Estate which lies to the south-east of the appeal site.
- 5.2 The Council acknowledges that the extensions to the above site lie outside of the settlement limit, but unlike the appeal site, they do not lie within a Green Barrier/Wedge – either in the extant UDP or the emerging LDP. The decision to grant permission for that site was therefore taken in a different policy context. The decision was also made on its own merits. The fact that the Tomlinson's developments were permitted does not mean that developments on other sites outside of the settlement limits will or should be supported.

5.0 CONCLUSION

- 5.1 The proposed development lies outside any settlement limit and within a designated Green Barrier. The proposed development would represent an unacceptable incursion in to the Green Barrier and would be, by definition, inappropriate development. To allow the development would be contrary to policies PS1, PS2, PS3, PS4, EC1, H5 and GDP1 of the adopted Wrexham Unitary Development Plan and the principles contained Planning Policy Wales (Edition 10). The Inspector is respectfully asked to dismiss the appeal.

SCHEDULE OF CONDITIONS IN THE EVENT OF THE APPEAL BEING ALLOW

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.

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 land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.

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 protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.