



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/05/20

gan **C MacFarlane BSc(Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 02.06.2020

Appeal Decision

Site visit made on 19/05/20

by **C MacFarlane BSc(Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 02.06.2020

Appeal Ref: APP/H6955/A/20/3244832

Site address: Gwylfa, Ruthin Road, Minera, Wrexham LL11 3UT

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 Dave Small against the decision of Wrexham County Borough Council.
 - The application Ref MIN P/2019/0627, dated 18 July 2019, was refused by notice dated 13 November 2019.
 - The development proposed is to build a single 4 bedroom detached house with detached double garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline, with all matters reserved for determination at a later stage. I have dealt with the appeal on this basis. A plan showing the access location and siting of the proposed dwelling was submitted with the application, which I have considered as indicative.

Main Issues

3. The main issues are:
 - i) Whether the proposal is inappropriate development within the green barrier;
 - ii) The effect of the proposal on the openness of the green barrier and the purposes of including land within it;
 - iii) The effect of the proposal on the character and appearance of the area;
 - iv) If the proposal is inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very exceptional circumstances necessary to justify the proposal.
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Reasons

Inappropriate development within the green barrier

4. The appeal site forms part of the garden of 'Gwylfa', which is situated within a cluster of residential properties, with Ruthin Road forming the site's eastern boundary. The site lies within designated green barrier as defined by Policy EC1 of the Wrexham Unitary Development Plan 1996-2011 (UDP). For the purposes of applying Planning Policy Wales (Edition 10) (PPW), green barriers have the same purpose as green wedge and green belt designations but lack the permanence of a green belt.
5. PPW applies a presumption against inappropriate development in green barriers, except in very exceptional circumstances where other considerations clearly outweigh the harm to the green barrier. Paragraph 3.71 states that the construction of new buildings is inappropriate development, with some exceptions. The appellant contends that the development of a dwelling is similar to the extension of a dwelling and is therefore acceptable. However, paragraph 3.71 is clear that whilst limited extensions of existing dwellings may not be inappropriate, the construction of new buildings is inappropriate development. The proposed development would not fall within any of the exceptions listed and would therefore be inappropriate development as defined by PPW.

Openness and purposes of the green barrier

6. PPW confirms that the essential characteristic of a green barrier is its openness and, in order to maintain this, development must be strictly controlled. This is reiterated through UDP Policy EC1. Although views of the site are partially obscured by boundary hedgerows, it currently forms a substantial open visual gap that makes a significant contribution to the impression of openness that characterises the green barrier. The built form of the proposed dwelling, along with any associated areas of hardstanding and vehicle parking, would result in a significant encroachment of development. This would erode the openness of the green barrier and would be harmful to the purposes of its designation. The proposal is therefore contrary to UDP Policy EC1 and PPW.

Character and appearance

7. The appeal site is located outside of any settlement limit and is therefore within open countryside, as defined by the UDP. UDP Policies PS1, PS2, PS3 and PS4 set out the principles for the location of development, which is directed to areas within defined settlement limits. This is supported by UDP Policy H5 which seeks to strictly control housing development in the countryside, in recognition of the resultant adverse effects on visual quality and landscape character. Policy H5 allows for limited infill development outside settlement limits, although pre-dates PPW which acknowledges that infilling may be acceptable, particularly where it meets a local need for affordable housing or has been demonstrated to increase local economic activity. Aside from the intention to provide a family home for the appellant, no substantive evidence has been provided to demonstrate that the proposal complies with either criteria. Furthermore, because of the sporadic and spacious nature of the existing development pattern where houses are generally informally sited with large gaps between, the proposal would not conform with the definition of infill development set out in UDP paragraph 6.13, as comprising 'a small gap within a well-developed built frontage'.

8. The surrounding area is characterised by large, detached dwellings set back from Ruthin Road within generous plots. There are a small number of buildings which are positioned closer to the highway, however these are not typical of the pattern of development and are located further away from the appeal site, such that they do not influence the immediate character in this respect. Although there is sufficient space within the site to accommodate the proposal, its location to the front of 'Gwylfa' and the irregular plot shape would result in a dwelling which is poorly related to the surrounding pattern of development and appears as a visual incursion into an area of open countryside. I note the appellant's intention to ensure the dwelling would be of a design similar to that of the surrounding properties, however this would not negate the fundamental harm arising from the siting of the proposal. I therefore conclude that the proposal would be detrimental to the character and appearance of the surrounding area and would not comply with UDP Policies PS1, PS2, PS3, PS4, H5 and also Policy GDP1, which seeks to ensure all development accords with the character of the site.

Other considerations

9. The appellant states that the proposed dwelling would constitute sustainable development, through supporting local services and enhancing the vitality of a rural community. Whilst PPW presumes support for sustainable development, this must be in accordance with the development plan unless material considerations indicate otherwise. In setting out its strategic approach to development, the UDP directs development to those locations considered the most sustainable, with development in the open countryside being strictly controlled as a result. No information has been provided regarding local services and infrastructure and I find no reason to determine this appeal other than in accordance with the adopted UDP.
10. Although the appellant has referred to a large dairy built nearby, I am not aware of the details which led to this development being considered acceptable. However, the scale and nature of the development, along with its location outside of the green barrier designation, mean the circumstances are unlikely to be directly comparable and I therefore afford this little weight.
11. I acknowledge the Council considers the proposal to be acceptable with regard to garden and car parking space, highways impact, drainage and the living conditions of neighbouring occupiers. I also note the appellant states that the trees on site will be unaffected and that given the previously undeveloped nature of the site, there is no evidence to suggest any brownfield issues. However, a lack of harm in these respects are neutral factors that weigh neither for nor against the proposal. Similarly, compliance with planning and building regulations would be a normal expectation of construction works and I consider this to be a neutral factor.
12. I therefore find that the other considerations in this case do not clearly outweigh the harm to the green barrier. Consequently, the very exceptional circumstances necessary to justify the development do not exist.
13. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Conclusion

14. For the reasons given above, the appeal is dismissed.

Claire MacFarlane

INSPECTOR