
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 27/03/19

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07.05.2019

Appeal Decision

Site visit made on 27/03/19

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 07.05.2019

Appeal Ref: APP/H6955/A/19/3220529

Site address: Hill View, Chapel Lane, Bronington, Whitchurch SY13 3HP

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 & Mrs McGrath against the decision of Wrexham County Borough Council.
 - The application Ref BRN P/2017/0800, dated 6/07/2017, was refused by notice dated 19/11/2018.
 - The development proposed is erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The planning application is submitted in outline with all matters reserved for later determination.

Main Issue

3. I consider the main issue is whether there are material considerations sufficient to outweigh any conflict with local and national planning policies that seek to strictly control new residential development in the open countryside outside settlement boundaries.

Reasons

4. Hill View is situated on the east side of Chapel Lane. The appeal site comprises the garden on the south side of Hill View adjacent to Chapel Lane Farm. These two properties and the proposed infill plot would constitute three dwellings in line. However, there is a gap to the north of Hill View comprising a field and set-back from it are Greenacre Cottage and Moss Side Cottage. Beyond the field is Sunnybank another dwelling set-back from the roadside then a further gap between this dwelling and The Old Chapel which has been converted to a dwelling house. To the south of Chapel Lane Farm there is a gap comprising a field between it and Kimberley.
 5. As the gaps are spread out within this cluster and are of some size, I am not satisfied that the appeal site could be regarded a cohesive group of buildings where 5 or more
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comprise a group in a row for infilling purposes or that the infill would comprise a continuous developed highway frontage. The gaps identified to the north and south of Hill View and Chapel Lane Farm and the set-back of properties from the roadside where there is no continuity of a developed highway frontage results in this proposal failing to comply with Policy H5 of the Wrexham Unitary Development Plan (UDP) 1996-2011 and Local Planning Guidance Note No. 13 *Housing in the Countryside*.

6. Policy H5 allows other rural exceptions such as affordable housing and rural enterprise dwellings, but neither is argued here in this appeal.
7. Bronington is situated to the north of the appeal site along Chapel Lane and the A495. Chapel Lane has no footway and is unlit, and the pavement along the A495 is narrow in places. I consider that the distance between the site and the village would be too far for walking than that which is considered convenient. The local bus service in Bronington is linked via the route from Whitchurch to Wrexham and vice-versa but in general there are hourly services throughout a weekday. In all, whilst there are services including a shop/post office and school at Bronington the appeal site is in my view too far from the village to encourage modes of transport other than the private car for daily use. In all likelihood, the proposal would be reliant on the use of a private car to undertake general commuting to larger centres to access services and facilities. I consider that the appeal site does not have good accessibility by non-car modes and does not offer good active travel connections to the centres of settlements.
8. The UDP is outside of its plan period and the Council is unable to demonstrate a 5-year housing land supply as set out in paragraphs 8.1, 8.2 and 6.2 of TAN1¹. Where the UDP is outside its plan period the local planning authority has been unable to undertake a current study of its housing supply.
9. Welsh Government (WG) letter dated 18 July 2018 (dis-application of paragraph 6.2 of TAN 1) announces a wide-ranging review into the delivery of housing through the planning system. This was in response to the current housing land supply position and to the under delivery of Local Development Plan (LDP) housing requirements. The letter calls for evidence to address the issue but emphasises the principles that should apply and be addressed through the evidence submitted that planning decisions must be based on an up-to-date development plan, the plan-led approach to development management, housing requirements should be based on evidence and sites must be deliverable and monitoring arrangements must reinforce the plan-led approach.
10. The letter notes the concern that speculative applications for housing not allocated in the LDP is generating uncertainty for communities to the detriment of the plan-led system. The letter announced to dis-apply paragraph 6.2 of TAN 1 removing the paragraph which refers to attaching 'considerable' weight to the lack of a 5-year housing land supply as a material consideration in determining planning applications for housing. As a result of the dis-application of 6.2 of TAN 1, the letter indicates that it will be a matter for decision makers to determine the weight to be attached to the need to increase housing land supply where the local planning authority has a shortfall in its housing land.
11. The weight to be attached is dependent on the magnitude of the shortfall, how long the shortfall will persist, what the local planning authority is doing to reduce it and how much will the development contribute to meeting the shortfall.

¹ Technical Advice Note 1 – Joint Housing Land Availability Studies

12. In this case the shortfall is significant because the Council is unable to calculate its supply of housing land. The shortfall has been in place from at least the end date of the UDP in 2011. I am not aware of the Council's mechanism to bring forward sites in the light of a significant shortfall. The LDP submitted to the WG has not been examined yet, however, the contribution this development would make towards the shortfall would be very small indeed.
13. Taking these matters together, I would attach significant weight to the need to increase housing land supply as a material consideration.

Planning balance and overall conclusions

14. I have identified conflict with UDP Policy H5 and Local Planning Guidance Note No. 13 *Housing in the Countryside*. The development does not meet the exceptions policy for building new housing in the countryside. The site does not score highly in relation to accessibility.
15. I have concluded that that significant weight should be accorded to the issue of the shortfall of housing land supply.
16. However, the material considerations are insufficient to outweigh the identified conflict with local and national planning policies that seek to strictly control new residential development in the open countryside outside settlement boundaries.
17. In all, 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 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act. I am satisfied that my decision accords with the Act's sustainable development principle through its consistency with the objectives concerning environmental well-being and supporting cohesive and attractive communities.
18. I note the personal circumstances put forward in this case, but these matters are not of such weight as to materially alter my assessment of the balance of considerations in this case.
19. I conclude that the planning balance is against allowing the appeal.

Iwan Lloyd

INSPECTOR