

Caulmert Limited

Engineering, Environmental & Planning
Consultancy Services

**LAND AT REAR OF AND ADJACENT TO GREDINGTON ARMS, HOLT ROAD, LLANYPWLL,
WREXHAM, LL13 9SD**

MR D HUGHES-WHILDING

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (UP TO 5 DWELLING HOUSES),
ACCESS AND ASSOCIATED PARKING**

PLANNING APPEAL STATEMENT OF CASE

LPA REFERENCE: P/2017/0122

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1.0 INTRODUCTION

1.1 Background

1.1.1 Caulmert Ltd is appointed by Mr D Hughes-Whilding (“the Appellant”) to appeal against the refusal of outline planning permission by Wrexham County Borough Council, on 11th March 2019, for the proposed residential development (up to 5 dwelling houses), access and associated parking on land at rear of and adjacent to Gredington Arms, Holt Road, Llanypwll (LPA Application Ref: P/2017/0122).

1.1.2 This document constitutes the Statement of Case on behalf of the Appellant.

1.2 Description of the Appeal Site

1.2.1 The appeal site is located on an area of previously developed land adjacent to the vacant Gredington Arms Public House, which was formerly used as the car parking area. It is located on Holt Road, Llanypwll, Wrexham and measures approximately 0.2 hectares (0.5 acres), see figure 1 below.

Figure 1 – Site Location



1.2.2 The appeal site comprises an elevated car park to the former public house. The car park adjoins a sloping section of land between the level plateau and Holt Road. The site is bounded to the eastern and western boundaries by established landscaped areas, which serves to screen the site from the surrounding countryside.

1.2.3 The site is currently not maintained and has become overgrown and run down. In the main, the proposed development site is covered in areas of tarmac and has an array of other debris littering the site. Without significant investment, the site will continue to deteriorate further and is likely to remain an eye sore to the surrounding area.

- 1.2.4 The appeal site lies approximately 880m east of Wrexham. The A534 is located approximately 50m to the north of the site and is the main dual carriageway from Wrexham to Nantwich, and from Wrexham to Wrexham Industrial Estate, which is located approximately 1.5km to the south east of the site.
- 1.2.5 Given that the A534 has effectively cut through parts of the former road network, Holt Road now comes to a dead end and serves a small number of residential properties in the hamlet of Llanypwll, as well as two commercial quarrying operations. Holt Road terminates after the junction with Sandy Lane, which is a narrow lane and only used by local traffic. As a result of the introduction of the A534 the character of the site has changed substantially with its rural-setting and openness having been diminished.
- 1.2.6 Vehicular and pedestrian access to the proposed development will be from the existing access from Holt Road.
- 1.2.7 In terms of landscaping, there are mature trees to the east and west of the proposed development site, which are to be retained. To the north (rear) of the site is foliage that is also to be retained as this has ecological benefits. The area surrounding the site is semi-rural, characterised by clusters of houses, farms and quarry activities. As such, the site is not within a notably valued landscape and will not create a significant impact on the landscape.
- 1.2.8 With regards to potential environmental constraints, there are no environmental or historical constraints which impact the site or are impacted upon by the proposed development. There is an area of Flood Zone C2 to the south of Holt Road, opposite the site, but given the elevated position of the site, there is no risk of flooding directly affecting the development area.

1.3 Recent Planning History of the Appeal Site

- 1.3.1 In October 2015, the vacant Gredington Arms building, and adjacent outbuildings were granted planning permission for change of use into 3 no. dwellings, which included some extensions and alterations. This permission has now lapsed but given that there has been no change in planning policies since that consent was granted, the principle of development has been agreed and would, therefore, be likely to gain consent again.

2.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

- 2.1.1 The Gredington Arms was a former public house for Hydes of Manchester that closed in October 2010 due to a decline in business, mainly as a result of the construction of the A534 leaving the public house with little passing trade.
- 2.1.2 The appeal scheme proposed comprises of an outline application that would provide up to 5 no. three and four bedroom, open market residential dwellings. Each property would also have associated car parking and private amenity space. The planning application, which is the subject of this appeal, considered outline with access only and all other matters were reserved. Though more detailed plans were submitted as part of the planning application, this was purely indicative in order to demonstrate how the dwellings could be accommodated within the site.
- 2.1.3 The indicative layout of the proposed development has been dictated by the nature, massing and scale of the existing buildings to the south west of the site and the topography of the site. The proposed layout is shown on Drawing No. ST-01 Rev. P1, with the proposed elevations shown on Drawing No. GA-02 Rev. P2 and GA-03 Rev. P2. The appearance of the proposed dwellings would be subject to a further application for approval of reserved matters, should this appeal be allowed. Notwithstanding this, the dwellings will take a simple, traditional form using design references from the Gredington Arms and characteristics from dwellings within Llanypwll. The proposed dwellings would incorporate materials to compliment the Gredington Arms, together with the adjacent built development and the existing features of the site. The layout has been designed to make the most effective use of this previously developed site.
- 2.1.4 The proposed development would be served by the existing single point of access from Holt Road located to the west of the vacant Gredington Arms public house. A turning head has been incorporated into the design for vehicles to turn safely within the site. The proposed access was formerly used to access the Gredington Arms car park and is, therefore, considered to have appropriate visibility. Details of the visibility can be seen on Drawing No. ST-02 Rev. P1.

3.0 THE GROUNDS OF APPEAL

3.1 Reason for Refusal

- 3.1.1 The Local Planning Authority's reason for the refusal of planning permission for the proposed development states that:

"The site is outside any settlement limits as defined in the Wrexham Unitary Development Plan and within a Green Barrier. The development will harm the openness of the Green Barrier and will be an undesirable intrusion into the rural landscape and would be an inappropriate form of development. It therefore conflicts with Policies PS1, GDP1, EC1 and H5 of the Wrexham Unitary Development Plan."

3.2 The Development Plan

- 3.2.1 The statutory Development Plan for the area within which the appeal site is located comprises the Wrexham Unitary Development Plan 1996 – 2011 ("the UDP"), which was adopted in February 2005.
- 3.2.2 Wrexham Council are currently preparing their Local Development Plan (LDP) which will set out the Council's proposed strategic approach for the development of Wrexham up to 2028. The LDP was planned for submission to Welsh Government for Examination in November 2018 with an expected Public Examination date scheduled for Spring 2019 (subject to Inspector availability) and Adoption in late 2019. However, these dates slipped and the LDP was submitted to Welsh Government and PINS on 30th November 2018. An Inspector has now been appointed to conduct the Examination, which commences with a series of hearings starting on Tuesday 3rd September 2019.

3.3 Consideration of the Main Issue

Housing Land Supply Considerations

National Planning Policy

- 3.3.1 Planning Policy Wales (Edition 10) ("PPW") was updated most recently in December 2018 and sets out the land use planning policies of the Welsh Government.
- 3.3.2 When introducing the section relating to development plans, paragraph 1.21 of PPW states that *"Up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making."* The paragraph then goes on to state that *"Planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise."*
- 3.3.3 The proposed development site lies outside the settlement boundary and, therefore, in countryside. Paragraph 3.56 'Development in the Countryside' states that *"Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. 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. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area."

3.3.4 PPW provides the following definition of previously developed land: *"Previously developed (also known as brownfield) land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures."* Although the proposed development site lies outside of the settlement boundary, it is nevertheless, previously developed land. PPW lists Key Planning Principles, one of which is 'Making best use of resources' that is demonstrated by Figure 4 of Chapter 2 and specifically states that making the best use of resources *"Prioritises the use of previously developed land and existing buildings" and "Unlocks potential and regenerates"*.

3.3.5 Chapter 4 'Active and Social Places' of PPW discusses sustainable placemaking and cohesive communities. Paragraph 4.2.15 focusses on housing and deliverability and states that *'Planning authorities must ensure that sufficient land is genuinely available or will become available to provide a five-year supply of land for housing judged against the general objectives, scale and location of development required in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints and be economically viable, in order to support the creation of sustainable communities. For land to be regarded as genuinely available it must be a site included in either a Joint Housing Land Availability Study (JHLAS) or, until a JHLAS is required to inform the first Annual Monitoring Report (AMR), in the housing trajectory agreed as part of an adopted development plan. The housing trajectory demonstrates how the planning authority will maintain a five-year supply of housing land over the plan period.'*

Technical Advice Notes

3.3.6 Welsh Government Technical Advice Note 1 'Joint Housing Land Availability Studies' (JHLAS) provides guidance on the preparation of these studies. The purpose of these studies is to monitor the provision of market and affordable housing, provide an agreed statement of residential land availability for development planning and control purposes and setting out the need for action in situations where an insufficient supply is identified. This is explained in TAN1 as follows: *'The requirement to maintain a 5-year supply of readily developable housing land in each local planning authority across Wales remains a key planning policy requirement of the Welsh Government. The planning system, through the LDP process, must provide the land that is needed to allow for new home building and local planning authorities are required*

to ensure that sufficient land is genuinely available to provide a 5-year supply of land for housing.'

3.3.7 The Wrexham UDP 1996 – 2011 was adopted in 2005 and is now time expired. The LDP is currently being prepared and yet to reach adoption.

3.3.8 Welsh Government recognises that there will be occasion where a local planning authority will not have an adopted LDP, but may have an adopted UDP and provided it is still within the plan period at the base date of the JHLAS, the UDP can be used for the basis of calculating their housing land supply. However, where a local planning authority has neither an adopted LDP nor UDP, they *'will be unable to demonstrate whether or not they have a 5-year housing land supply and effectively will be considered not to have a 5-year supply'*. Wrexham County Borough Council, therefore, cannot prepare a JHLAS at present. The most recent study in 2014 demonstrated a 3.1 year housing land supply.

3.3.9 Wrexham County Borough Council published their 'Housing Land Monitoring Statement 2017' in April 2017. *'In the absence of an up-to-date Unitary Development Plan (UDP) and adopted Local Development Plan (LDP), in accordance with latest Welsh Government Guidance contained within TAN1, there is no requirement for a Local Authority to produce a JHLAS and the authority is considered to have a **zero land supply**. However, in order to inform the housing requirement in the forthcoming LDP, it is still necessary to monitor the housing land supply within the County Borough along with the number of annual completions.'* It goes on to explain that *'The purpose of this Statement is to summarise the latest housing completions data and provide information on what is currently included within the housing supply as at 1st April 2017. The Statement has followed guidance contained within TAN1, but does not include any calculations in terms of whether there is a 5 year supply or not since there is currently no adopted housing provision target. It does however include estimates of the number of units that are likely to be completed in the next 5 years, which has been determined through consultation with the applicant landowner or developer and which has also been discussed and verified with the House Builders Federation (HBF).'* The Statement cannot provide a final calculation but does include the following table of Past Completion Data:

	Number of Homes Completed On		
Year	Large Sites	Small Sites	Total Completions
2007	750	198	948
2008	490	116	606
2009	296	157	453
2010	138	105	243
2011	210	95	305
2012	356	77	433
2013	175	64	239
2014	151	64	215

2015	160	75	235
2016	132	67	199
2017	232	96	328

A further table within the Statement shows the Previous Land Supply Data and is simplified as follows:

Year	Number of Years Supply
2007	14.99
2008	7.52
2009	6.08
2010	5.35
2011	3.9
2012	3.5
2013	3.4
2014	3.1
2015	NA
2016	NA
2017	NA

3.3.10 Paragraph 6.2 of TAN1 reads as follows: *'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies.'*

3.3.11 It must be noted that the recent Addendum Report to Appeal Decision Ref. APP/H6955/A/17/3182282 makes reference to the County's housing supply when she states that: *'The main issue considered in this addendum report is therefore whether the lack of a five-year housing land supply is a consideration sufficient to outweigh any conflict with local and national planning policies.'* The Inspector goes on to clarify the current development plan position: *'The Council has neither an up-to-date UDP nor an adopted LDP. It is therefore considered to have zero housing land supply. The requirement in PPW 10 that the Council must ensure that sufficient land is genuinely available or will become available to provide and maintain a five-year supply of land for housing is not met.'*

Local Planning Policy

3.3.12 Policy PS1 of the Wrexham UDP is a strategic policy that supports development within defined settlements. Though it is acknowledged that the appeal site is outside of a recognised settlement, the character of this site and how it has changed over time, must be given due consideration. The locality has a hamlet feel to it, even more so with permission having been granted to convert the public house into residential units. The aim of Policy PS1 is to restrict unnecessary development in the open countryside, yet this site is a brownfield site that has

been heavily impacted upon by the creation of the A534 in terms of how the site is now bound by buildings and highway, therefore, the site does not encroach into open countryside and causes no harm.

3.3.13 Policy GDP1 is cited as a reason for refusal and is a policy relating to general development principles, the criterion of which reads as follows:

- a) Ensure 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.*
- b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.*
- c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.*
- d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.*
- e) Ensure 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.*
- f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.*
- g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.*
- h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.*
- i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.*
- j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.*
- k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.*

The appeal scheme generally complies with this policy given that it proposes a sustainable use of a previously developed site, which makes a positive contribution to the overall appearance of the area. The land surrounding the Gredington Arms is tarmacked and, therefore, already has the appearance of a built-up area and if left, would never regenerate and become 'green'. If anything, the site is crying out for redevelopment.

3.3.14 Policy EC1 protects green barriers and is also referenced as a reason for refusal. As stated by the policy itself, its purpose is:

- i) to prevent the coalescence of urban areas and villages with other settlements;
- ii) to assist in safeguarding the countryside from encroachment;
- iii) to protect the setting of urban areas and villages;

- iv) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

3.3.15 The appeal scheme for a small-scale development does not conflict with any of the criteria listed and has very little impact upon the green barrier allocation. Furthermore, if the green barrier at this location were to be compromised by anything then it would be the creation of the A534 running through it. The redevelopment of this brownfield site would have a negligible impact upon the green barrier allocation in comparison. One may assume that the loss of a brownfield site within a green barrier would be preferential to the loss of any greenfield land. In a recent appeal decision for the County, Appeal Ref. APP/H6955/A/17/3182282, The Inspector stated in paragraph 86 that *'The Council recognised that its future housing requirements will not be met without the release of greenfield sites and it acknowledged that some sites currently within the Green Barrier will be required to be developed'*. Furthermore, the Addendum Report for this appeal dated 12/3/2019 discusses areas designated as Green Wedges in Policy SP7 of the LDP and reinforces this point with the Inspector allowing the appeal *'Although in the LDP the appeal site is in open countryside and part of a Green Wedge, it is surrounded on three sides by existing built development'*.

3.3.16 The final policy cited in the reason for refusal is Policy H5 'Housing in the Countryside' of the UDP. The reasoned justification for this policy explains that the policy is *'designed to prevent new housing in the form of isolated dwellings'*, which this appeal scheme does not propose as it is within a hamlet setting. Neither would this appeal scheme result in a *'loss of visual quality and landscape character and adversely affect agriculture'* given that it is a tarmacked brownfield site with existing service connections, which currently does not contribute positively in terms of landscape appearance or character.

4.0 CONCLUSIONS

4.1.1 The proposed development is for outline planning permission for the proposed residential development (up to 5 dwelling houses), access and associated parking on land at rear of and adjacent to Gredington Arms, Holt Road, Llanypwll.

4.1.2 The planning application was refused by the Council for the following reason:

“The site is outside any settlement limits as defined in the Wrexham Unitary Development Plan and within a Green Barrier. The development will harm the openness of the Green Barrier and will be an undesirable intrusion into the rural landscape and would be an inappropriate form of development. It therefore conflicts with Policies PS1, GDP1, EC1 and H5 of the Wrexham Unitary Development Plan.”

4.1.3 The appeal scheme has been considered and determined against policies that were written long before the A534 was introduced. The creation of this new road drastically changed the character of the appeal site and it must be recognised as such. The site is a brownfield site surrounded by highway and built development that falls within the countryside and a Green Barrier designation. However, the redevelopment of the appeal site would not have a negative impact upon ‘openness’, neither does it compromise the Green Barrier allocation.

4.1.4 This statement of case acknowledges that the proposed development is not strictly in accordance with policies contained within Wrexham UDP but demonstrates that there are a number of factors that weigh heavily in favour of the proposed development.

4.1.5 For the reasons outlined above, the Inspector is respectfully asked to allow this appeal and to grant outline planning permission for the erection of up to 5 no. dwellings on land at the Gredington Arms.



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