
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 03/09/19

**gan Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 21.10.2019

Appeal Decision

Site visit made on 03/09/19

**by Declan Beggan BSc (Hons) MSc DipTP
DipMan MRTPI**

an Inspector appointed by the Welsh Ministers
Date: 21.10.2019

Appeal Ref: APP/H6955/A/19/3230312

Site address: Ferndale Garden Centre, Berse Road, Caego, Wrexham, LL11 6TP

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 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mrs M Hughes against the decision of Wrexham County Borough Council.
 - The application Ref BRO P/2019/0089 dated 7 February 2019, was refused by notice dated 7 May 2019.
 - The development proposed is an 'Outline application for residential development (8 No. dwellings) and construction of new access, closure of existing access to garden centre and construction of new access point'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application is submitted in outline with all matters reserved for later determination. The submitted application details refer to an indicative layout for eight dwellings, a new access, and a repositioned access to an existing garden centre.
3. I note that the description of the appeal site address given on the planning application form differs slightly to that stated on the Council's refusal notice; I have used the latter as copied into the banner heading above as it is more concise. In addition, the description of the proposed development varies slightly between that given on the planning application form and that stated on the Council's refusal notice; I have determined the appeal based on the latter description as copied into the above banner heading as it is more accurate.

Background

4. The appeal site is roughly rectangular in shape and is largely used as a car park to serve the adjacent Ferndale garden centre. A dwelling currently located on the site is due to be demolished as part of its redevelopment. The site is located outside of any defined settlement limit in the adopted Wrexham Unitary Development Plan (UDP) and is also located within a designated 'green barrier'. Whilst a number of other properties are in the general vicinity of the site, and the town of Wrexham and village of Caego are nearby, nonetheless the site and surrounding area retain a rural character. The
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site is currently served by an existing access off Berse Road that is utilised by the garden centre.

Main Issues

5. The main issues in this appeal are:

- whether the development is inappropriate development in a green barrier, and if so, whether any very exceptional circumstances exist to clearly outweigh this harm; and,
- the effect of the development on the character and appearance of the area.

Reasons

Development in the Green Barrier

6. The site lies within a green barrier as designated in the UDP. Policy EC1 of the UDP refers to development in green barriers only being granted planning permission if the proposal is for agriculture, forestry, outdoor sport and recreation, cemeteries and other uses which maintain its openness and do not conflict with the purpose of including land within it. Whilst I appreciate the UDP is time expired, nonetheless, as it currently stands, the fact is the site is within a designated green barrier as referred to in policy EC1; this policy broadly reflects and is consistent with the most up to date national planning policy in regard to green barriers as set out in Planning Policy Wales Edition 10 (PPW). Where reference is made to green wedges in PPW, these have effectively the same meaning as green barriers in this regard. PPW states a presumption against inappropriate development, with substantial weight to be attached to any harmful impact which a development would have on a green wedge/barrier designation. It confirms that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations would clearly outweigh the harm.
7. The proposed development does not fall into any of the specific categories of development deemed not to be inappropriate in the green barrier in PPW and policy EC1 of the UDP; in this regard it would therefore represent inappropriate development in the green barrier. A substantial part of the site would be subject to build structures, which would unavoidably and significantly reduce its openness. The proposed development would not maintain the openness of the green barrier and as a result this also constitutes inappropriate development and is therefore contrary to policy EC1 of the UDP and PPW.
8. Some of the purposes of the green barrier/wedge according to PPW and Policy EC1 of the UDP are to prevent coalescence of urban areas and villages with other settlements and to protect the setting of urban areas and villages. In this instance it appears to serve to prevent the coalescence of the adjacent settlements of Wrexham and Caego. The development of this site outside of any recognised settlement limit, would result in the distinction between the adjacent settlements being materially eroded, and it does not appear to be a logical extension to either due to its separation from both; the proposal would therefore be contrary to national and local policies that seek to prevent the coalescence of settlements.
9. I also consider the development would represent an unnecessary and undesirable encroachment into the countryside thereby conflicting with one of the purposes of

including land within the green barrier/wedge. The development, therefore, amounts to inappropriate development in the green barrier/wedge on this basis as well.

Very Exceptional Circumstances

10. It is a long-standing planning policy position that the countryside should be safeguarded from uncontrolled and sporadic development, with development primarily directed to existing settlements, otherwise unrestrained encroachment of the countryside would occur.
11. Policy PS1 of the UDP is strategic in nature and seeks to direct development for housing to within defined settlement limits. Policy H5 permits new dwellings outside defined settlement limits subject to a number of criteria. In broad terms the appellant argues these policies and others should be given limited weight due to the UDP being time expired and also due to the Council's lack of a five-year housing land supply. The Council argue that as the site lies outside any defined settlement limit it does not accord with policy PS1 nor is justified under policy H5. Policies PS1 and H5 broadly accord with PPW.
12. The appeal site does not lie within any defined settlement limit and is located in open countryside and therefore its development for residential purposes would run contrary to policy PS1 of the UDP. In terms of policy H5 of the UDP, the appellant does not satisfy any of the criteria that permit dwellings outside of defined settlement boundaries.
13. PPW states that a plan lead approach is the most effective way to secure sustainable development through the planning system. PPW presumes in favour of sustainable development, however it also stipulates that building in the open countryside must continue to be strictly controlled. Whilst time expired, the UDP and associated policies applicable to the proposed development broadly reflect the stance taken in PPW insofar as they relate to the control of new housing in line with sustainability principles. Notwithstanding the appellant's view that the proposal is sustainably located in regard to its position relative to nearby settlements and would have access to public transport facilities, I do not consider these would overcome the fact that the site is located in open countryside. The presumption of sustainable development as set out in PPW does not apply having regard to the stated sustainability key principles and policy objectives.
14. For the reasons given above, I do not consider that the proposal would be a sustainable form of development in the context of PPW. The proposed development also runs contrary to local planning policies that seek to restrain development outside of boundaries as identified in the UDP in the broad interests of sustainable development.
15. I am conscious that Wrexham County Borough Council is currently not meeting its five-year supply of housing land. The appeal proposal would make a very modest contribution to housing supply which weighs in its favour. Notwithstanding its location outside a development boundary, the appeal site is in proximity to Wrexham, which has many amenities, and has wider access to public transport links; these factors weigh in favour of the proposal. However, whilst making proper provision for new housing is an important consideration, it is also important that such provision is made in a manner that accords with other development management policies and principles. Given the considerable local and national policy conflicts and consequent harm that I have previously identified I do not consider that the contribution to housing supply

made by the scheme or any other material consideration in its favour are of such significance as to outweigh the harm by reason of inappropriateness as referred to in local and national policy.

Other Benefits

16. PPW advises that previously developed (or brownfield) land (PDL) should, wherever possible, be used in preference to green field sites. However, it also recognises that not all PDL is suitable for development due to factors such as, its location, the presence of protected species, valuable habitats or industrial heritage, or because it is highly contaminated. Irrespective of strategic policy PS3 of the UDP which broadly supports the re-use of PDL, in this instance any benefit in the form of the reuse of PDL must be weighed against other policies in the UDP and PPW in relation to the green barrier. The arguments put forward in terms of the benefits of reusing PDL would not diminish the substantial weight against the development by reason of its inappropriateness, and for other reasons discussed below.

Character and Appearance

17. Policy PS2 of the UDP states, inter alia, that development must not materially detrimentally affect the countryside or the quality of the natural environment. Policy PS4 of the UDP seeks, inter alia, that development should maintain the existing settlement pattern and character, whilst GDP1 seeks to ensure that development accords with the character of the site and makes a positive contribution to the appearance of the locality.
18. The appellant argues the proposal would have a more positive impact on the visual amenities of the area than that existing. The site itself is relatively devoid of built form, whilst the existing bungalow, and the other structures to the rear related to the garden centre have a modest muted appearance commensurate with their rural setting. The site appears generally open in nature which is reflective of the immediate area, notwithstanding nearby built form. The site serves an important purpose in the visual transition from the adjacent urban edges to the open countryside. Contrary to the appellant's views, I consider the proposed new development would be visually obvious and have an adverse effect that would be substantial for the site itself and the immediate landscape, thereby detracting from the existing rural character of the area; in addition, it would not respect the existing settlement pattern.
19. I am not persuaded that the replacement of the dwelling on the site, or the existence of any other structures to the rear, with the proposed dwellings would have a more positive impact in visual amenity terms, or be more sympathetic or compatible with the rural character of the area, nor justify development that otherwise is unacceptable in a rural location, notwithstanding any proposed landscaping. The proposal would have a materially detrimental effect on the character and appearance of the area. It follows that the proposal would therefore be contrary to policies PS2, PS4 and GDP1 of the UDP which broadly seek, inter alia, to safeguard visual amenity.

Other Matters

20. I note concerns from third parties relating to highway aspects of the scheme, however I concur with the Council that the proposed development would not be detrimental to highway safety. I also note third party comments in regards to the Council's consideration of the application relative to other proposals in the area, however I do not have the details before me of these other proposals to make any reasonable comparison, and in any event each application is determined on its own merits.

Planning Balance and Overall Conclusions

21. In reaching my decision, 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 decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
22. I conclude that the proposal is inappropriate development in the green barrier and very exceptional circumstances do not exist to clearly outweigh this harm. In addition, the proposal would cause unacceptable harm to the character and appearance of the area. Taken collectively the material considerations in support of the proposed development do not outweigh the considerable conflict with the previously cited UDP policies, and the wider aims of sustainable development espoused by PPW, and the balance clearly falls in dismissing the appeal.

Declan Beggan

INSPECTOR