
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/03/19

**gan Clive Nield BSc(Hon), CEng,
MICE, MCIWEM, C.WEM**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.04.2019

Appeal Decision

Site visit made on 18/03/19

**by Clive Nield BSc(Hon), CEng, MICE,
MCIWEM, C.WEM**

an Inspector appointed by the Welsh Ministers

Date: 18.04.2019

Appeal Ref: APP/H6955/A/18/3219039

Site address: Land opposite Madras Primary School, corner of Overton Road and Hollybush Lane, Penley, Wrexham, LL13 0LU

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 Mrs Mary Evans against the decision of Wrexham County Borough Council.
 - The application Ref P/2018/0469, dated 10 May 2018, was refused by notice dated 16 July 2018.
 - The development proposed is the construction of 8 houses and the creation of new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Whilst the application was made for outline planning permission, approval is also sought for details of the proposed access. All other reserved matters are for further approval.
3. The application was made in the name of Mrs Mary Evans with Mr Shaun Jones of Halls Holdings Ltd acting as agent. However, the appeal was made in the name of Mr Shaun Jones of Halls Holdings. As the right of appeal rests only in the Applicant, it has been confirmed that the appeal was indeed made on behalf of Mrs Mary Evans with Mr Shaun Jones of Halls Holdings acting as agent.
4. An application for costs was made by Mrs Evans against Wrexham County Borough Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues in this case are the effects of the proposed development on the character and appearance of the area and the sustainability of the proposed development.
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6. The Council's refusal also referred to possible effects on the setting of Madras Primary School, a Grade II listed building. However, following the submission of a Heritage Impact Assessment with the appeal, the Council advises that its concerns have now been allayed. I give the matter no further consideration.

Reasons

Character and Appearance

7. The appeal site is located outside the settlement boundary and in the open countryside. Policy H5 of the Wrexham Unitary Development Plan is the primary development plan policy on housing in the countryside, and the proposal does not meet any of the circumstances detailed in that policy. The purpose of the policy is described in the supporting text as *"to prevent new housing in the form of isolated dwellings, the consolidation of sporadic groups, or the extension of ribbon development in the countryside as it would result in a loss of visual quality and landscape character and adversely affect agriculture"*. The proposal would be contrary to Policy H5.
8. The Appellant argues that the proposal is infill development and refers to the presence of buildings and facilities nearby. However, that is clearly not the case. The supporting text of Policy H5 defines infilling as *"the development of no more than two dwellings in a small gap within a well developed built frontage"*. The appeal site is not a gap in a built frontage. To the east it is bounded by a church set well back from the road with another open field to the east of that. To the west of the site there are open fields beyond Hollybush Lane. Under no stretch of the imagination can the site be considered to be an infill site.
9. The Appellant also argues that the appeal site is adjacent to the settlement boundary and "central to the village" due to other houses and the village hall being situated along Hollybush Lane and the "proliferation of road signs by the appeal site". The settlement boundary does indeed extend as a thin finger to include existing scattered houses and the school on the opposite side of the main road. However, on the northern side of the road the boundary stops a considerable distance short of the appeal site, and I consider the site has little association with the main built-up part of the village.
10. As for Hollybush Lane, there are 2 or 3 houses not far from the site, but other built development is a considerable distance further along it. I do not agree that the site is "central to the village". The main part of the village is clearly some distance along the main road to the east, as can be seen by driving along the road or by consulting a map. Whilst sporadic development extends to the west towards the appeal site, the site is rural in character, and the proposed development would be unacceptably harmful to the character and appearance of this area of open countryside, contrary to Policy H5 and to other UDP policies, particularly policies GDP1 (general development principles) and EC5 (special landscape areas).
11. The Appellant has submitted a Landscape and Visual Appraisal report (covering this and another site in Penley) which has been prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment. For this site the report concludes that the landscape effects would be "at most locally moderate" and beyond the immediate surrounds of the site (taken to be 200 metres) "minor adverse and not substantial". Clearly, a relatively small development such as this would not have much wider landscape impact. Its main landscape impact would be on the site itself where the local impact would be substantial.

12. As for visual impact, the report concludes that, whilst 2 nearby dwellings would experience “major-moderate adverse but still substantial” effects even after landscaping measures, the effects on most other receptors would be “minor-negligible adverse”. These conclusions are not surprising given that many of the viewpoints assessed are some distance from the appeal site. However, I disagree with the general conclusions of the assessment that the development “would fit comfortably into the edges of the village” as I consider this does not give sufficient weight to the visual impacts in the immediate vicinity of the site and particularly to views experienced by people approaching and passing the site along the main road.
13. My overall conclusion on this issue is that the proposed development would unacceptably harm the character and appearance of the area, which is open countryside outside the settlement boundary and remote from the main part of the village.

Sustainability

14. As the Appellant has indicated, sustainability may be assessed in terms of 3 strands: environmental, social and economic. I have explained my conclusions on the substantial environmental harm above. As for social elements, the village benefits from schools and several other local facilities, there are bus stops near the site, and the development would provide 8 houses. The development would also have a small economic benefit. However, the social and economic elements would be substantially outweighed by the detrimental environmental effects and, on this basis, the proposal would not amount to sustainable development.

Other Matters

15. It is common ground that there is not a 5-year supply of available housing land in Wrexham, and the Appellant argues that this should carry “considerable” weight. However, the Minister clarified the Welsh Government’s policy on this in a letter to the Heads of Planning in each Council on 18 July 2018. That letter said that the Minister had decided to dis-apply paragraph 6.2 of Technical Advice Note (TAN) 1 (Joint Housing Land Availability Studies), 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. Instead, the Minister said it would be a matter for the decision makers to determine the weight to be attributed to the need to increase housing supply where a Council has a shortfall in its housing land.
16. In this case, I have received no evidence on the impact of the shortfall of housing land, and it is difficult to assess how much weight to attribute to it. In the absence of that information I can only give it moderate weight, which is substantially outweighed by the unacceptable environmental harm that would be caused by the proposed development.
17. The Appellant has also referred to an appeal decision in February 2018 for housing development at Big Green Farm, Penley (Ref APP/H6955/A/17/3186707), which it describes as “fundamental to this appeal”. However, I consider the circumstances of that case to be quite different from the current appeal and that it provides little assistance. The association of that site to the settlement boundary and to the main village was quite different to the current appeal site, and it already contained a number of large buildings. Those circumstances led the Inspector to conclude that “the proposed development would not have any materially detrimental effect on the character and appearance of the area”. That was quite different to the conclusions I have reached on the current appeal.

18. In addition, that decision predated the Minister's July 2018 letter dis-applying the policy requirement to give considerable weight to the lack of a 5-year supply of housing land. The Big Green Farm appeal decision was clearly quite different to the current appeal on both counts and is of little relevance to my present considerations.
19. Finally, the Appellant has raised issues about how the Council handled the application. These are outside the scope of my considerations. I have considered the appeal solely on its planning merits.

Overall Conclusion

20. As I have explained above, the proposed development would be unacceptably harmful to the character and appearance of the area and would not be sustainable development. As such, it would be contrary to development plan and national policy. For the reasons given above I conclude that the appeal should be dismissed.
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.

Clive Nield

Inspector