
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 03/11/16

**gan Clive Sproule BSc MSc MRTPI
MIEnvSc CEnv**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07.12.2016

Appeal Decision

Site visit made on 03/11/16

**by Clive Sproule BSc MSc MRTPI
MIEnvSc CEnv**

an Inspector appointed by the Welsh Ministers

Date: 07.12.2016

Appeal Ref: APP/H6955/A/16/3156312

**Site address: Land adj. Oakfield House, Highfield Road, Highfield, Wrexham
LL11 4US**

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 planning permission.
 - The appeal is made by Mr D Griffiths against the decision of Wrexham County Borough Council.
 - The application Ref GWE P/2016/0137, dated 11/02/16, was refused by notice dated 10/06/16.
 - The development proposed is one new dwelling.
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Decision

1. For the reasons that follow, the appeal is dismissed.

Procedural matters and main issues

2. The planning application form for the proposed development confirms the appeal scheme to be an outline application with all matters reserved for determination at a later date.
3. Following consideration of the Council's reasons for refusal and the representations in this case, I consider the main issues to be: (a) whether the appeal scheme would be inappropriate development within the Green Barrier; and if so, (b) whether any harm by reason of inappropriateness would be clearly outweighed by other considerations and if so, do very exceptional circumstances exist to justify the harm to the Green Barrier; (c) the effect on the character and appearance of the locality; and, (d) the effect on the historic environment.

Reasons

Whether the appeal scheme would be inappropriate development

4. The appeal site lies within a 'Green Barrier' around this part of Wrexham that is the subject of Policy EC1 of the Wrexham Unitary Development Plan 1996-2011 – adopted February 2005 ('UDP'). Within Green Barriers, UDP Policy EC1 is only permissive of development for agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other land uses that would maintain the openness of the Green Barrier and would not conflict with the purpose of including land within it.
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5. Planning Policy Wales – 9th edition ('PPW') notes that 'green wedges' and similar designations serve the same purpose as Green Belt, but do not convey the permanence of Green Belts. PPW is also clear that: when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply; substantial weight should be attached to any harmful impact that a development would have on a Green Belt or green wedge; and, inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm that such development would do to the Green Belt or green wedge.¹
6. PPW paragraph 4.8.16 states that the construction of new buildings in a Green Belt or locally designated green wedge is inappropriate development unless it would be for certain purposes. The only one of these purposes that would appear to be relevant to the appeal scheme is '*...limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies...*'. The Council has referred to this 'purpose', but the appellant does not seek to advance this point.
7. UDP paragraph 5.2 indicates the purposes of the Green Barrier to include: preventing coalescence of urban areas; assisting safeguarding the countryside from encroachment; protecting the setting of urban areas and villages; and, assisting urban regeneration by encouraging the recycling of derelict and other urban land. These purposes are comparable to those of a Green Belt,² and as such this Green Barrier is a form of locally designated 'green wedge'.
8. Development is present on parts of Highfield Road, but the characteristic openness that would be expected in a Green Barrier is apparent in the countryside that is predominant around these buildings. This Green Barrier countryside lies between developed areas of Brynteg, Gwersyllt and central Wrexham and prevents them from coalescing.
9. PPW confirms that: green wedges should only be retained where it can be demonstrated that normal planning and development management policies cannot provide the necessary protection; and, green wedge policies should be reviewed as part of the development plan review process. UDP policies are now outside the period for which their evidence base sought to provide for and as such, the UDP policies are out of date. Although the review process that might result in new development plan policies has yet to be completed, UDP Policy EC1 is consistent with PPW and the weight attributed to the policy reflects this.
10. The appeal site lies between Linden Lea and Oakfield House. Amenity space at these dwellings is present on three sides of the appeal site, but when viewed from Highfield Road these vegetated boundary treatments around the appeal site, along with the dense vegetation on the appeal site, define the extent of the two existing residential curtilages and separate them.
11. At present, the appeal site contributes to the Green Barrier's unbuilt openness in this location. Constructing the proposed dwelling on the vegetated land that separates the two existing houses and the roadside frontage of their amenity spaces would be harmful to the openness of the Green Barrier.

¹ PPW paragraphs 4.8.14 and 4.8.15

² As set out in PPW paragraph 4.8.3

12. These existing residential properties lie opposite to open countryside and are distinct and separate from the section of developed highway frontage to the southeast. As such, the proposal would not be an example of infill development or any other of the purposes set out in PPW paragraph 4.8.16 as not inappropriate development. Nor is the appeal site within a settlement boundary that is defined by the UDP. Accordingly, the appeal scheme would be inappropriate development in the Green Barrier. It conflicts with UDP Policy EC1 and PPW, and substantial weight is attached to this harm to the Green Barrier.

Other considerations and whether very exceptional circumstances exist

13. The appellant highlights that the current proposal benefits from boundary planting that provides more effective screening of the site than would have been the case when a previous proposal was considered in 1982/83. Such screening may be of benefit to levels of privacy between neighbouring dwellings and amenity spaces and it may provide some landscape mitigation in a rural location. However, it does not mitigate the identified harm to the Green Barrier. Nor, in this regard, would the clearance of vegetation on the appeal site mitigate the introduction of built development onto it.
14. Where vegetative screening is absent, the proposal would be expected to increase levels of natural surveillance. Given the aspects from existing residential properties, it is unclear why additional natural surveillance would be desirable or necessary in this location.
15. Highfield Road includes a Grade II listed road bridge that spans the former railway line which ran along the appeal site's north western boundary. It is suggested that the proposed dwelling could be sympathetic to the bridge structure and highlight its importance. Even if the proposed dwelling were to be of such a design, the bridge has been listed with the setting that includes the appeal site in its current form. Therefore, it has not been shown that the proposed development would be necessary to conserve the listed bridge.
16. The appeal site is noted to be within walking distance of bus stops and bus services on Summerhill Road. These would be expected to enable most occupiers of the proposed development to access jobs, shops, services and transport links in Wrexham, and elsewhere, without the need to use a private car. As such, the appeal site would be in a fairly accessible location.
17. I note the appellant's personal ties to the area and that the proposed development would provide a family home to him. The appeal scheme would contribute one additional dwelling to housing supply in the locality. However, a contribution of this scale can only attract limited weight in favour of the proposal.
18. Building the proposed dwelling would increase the extent of development on Highfield Road. While there may have been a railway station and pump house in this location, the proposed development falls to be considered under UDP Green Barrier policy and the relevant parts of PPW, with which it conflicts.
19. Given the matters set out above, I find that the other considerations in this case do not clearly outweigh the identified harm to the Green Barrier, and the very exceptional circumstances necessary to justify the proposed development do not exist.

Character and appearance

20. UDP Policy H5 is only permissive of new dwellings outside defined settlement limits where, amongst other things, the proposal would comprise infilling or would meet an essential need for agriculture or forestry. As noted above, the appeal scheme would not be an example of infilling.³ Nor is it intended to meet an identified and policy compliant need for an agricultural or forestry worker's dwelling.
21. The narrowness of Highfield Road adds to its rural character. Developing a dwelling and an associated curtilage on the appeal site would intensify the residential land use in this location, and the resulting cluster of three dwellings and amenity spaces would emphasise this. Due to the appeal site's roadside location, such a change would be highly visible and viewed within the context of the countryside around and opposite to it. By significantly reducing the contribution of the appeal site to the unbuilt countryside along Highfield Road, the appeal scheme would erode the rural character and appearance of the locality and be harmful to it. As such, it would conflict with UDP Policy GDP1 a), and UDP Policy H5.

Historic environment

22. Establishing an appropriate visibility splay from the existing access was expected to require modifications to the listed bridge and resulted in the third reason for refusal. A revised layout plan, Drawing No: G054/003 entitled *Planning: Highways Plan Rev A*, indicates a repositioned access point that would provide improved visibility splays from the access and an additional passing place outside the appeal site. UDP Policy EC9 deals with alterations or additions to listed structures and within their curtilage. Repositioning the appeal site's access may eliminate the need for works on the listed bridge (or within its curtilage) to provide suitable visibility splays. However, the Grounds of Appeal are clear that access and all other matters remain reserved for determination at a later date.
23. Evidence indicates that the bridge was first listed in 1995 when land in the former railway cutting had already been subject to infilling and was being used as a domestic garden. Nevertheless, the appeal scheme (with all matters reserved) concerns a development that would introduce an additional residential land use with built structures into the setting of the listed bridge.
24. Current circumstances provide the setting for the listed structure. In views along Highfield Road, the most conspicuous elements of the setting on the southern side of the bridge are the countryside that occupies the appeal site along with the fields on the opposite side of the highway. The appellant considers the proposed development would enhance the setting of the bridge. However, it would significantly erode the existing rural context that the setting provides. Accordingly, the appeal scheme would fail to preserve the setting which adds further weight against the proposal.

Other matters

25. The Council's fourth reason for refusal concerns the effect of the appeal scheme on the living conditions of neighbours at Linden Lea in relation to the proposed dwelling appearing overbearing and causing a loss of natural light. As an outline proposal with all matters reserved for determination at a later date, the detailed design of the

³ Nor would it reflect *infill development* as set out within the Council's Local Planning Guidance Note No.13 - *Housing in The Countryside*

appeal scheme is yet to be known and it could alleviate these concerns. No harm has been demonstrated in relation to local living conditions and therefore, the proposed development complies with UDP Policy GDP 1 f).

Conclusion

26. 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 I 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 set out as required by section 8 of the WBFG Act.
27. The proposal would be inappropriate development in the Green Barrier and very exceptional circumstances do not exist to clearly outweigh this harm. In addition, the development would cause unacceptable harm to the character and appearance of the area and it would fail to preserve the setting of a listed structure. All representations in this case, and the scope of possible planning conditions, have been taken into account. However, the proposal conflicts with UDP Policies EC1, GDP1 a), H5 and relevant parts of PPW. No matters have been found to outweigh the identified harms, effect on the historic environment and policy conflict. Accordingly, I conclude that the appeal should be dismissed.

Clive Sproule

INSPECTOR