



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 31/12/18

gan Siân Worden BA MCD DipLH
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17.04.2019

Appeal Decision

Site visit made on 31/12/18

by Siân Worden BA MCD DipLH MRTPI

an Inspector appointed by the Welsh Ministers

Date: 17.04.2019

Appeal Ref: APP/H6955/A/18/3213166

Site address: Lower Honkley Farm, Stringers Lane, Burton, Rossett LL12 0AP

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 Nigel Darlington against the decision of Wrexham County Borough Council.
 - The application Ref ROS P/2018/0342, dated 20 April 2018, was refused by notice dated 4 June 2018.
 - The development proposed is residential development of 5 no. dwellings, access, car parking, landscaping, drainage and associated engineering works.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this case are:
 - whether the proposal would be inappropriate development in the green barrier having regard to Planning Policy Wales (PPW) and relevant development plan policies;
 - the effect of the proposed development on the openness of the green barrier and on green barrier purposes;
 - the effect of the proposed development on the setting of the listed building at Lower Honkley Farm;
 - the effect of the proposed development on the character and appearance of the site and surrounding area;
 - would the harm by reason of inappropriateness, and other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The appeal site is a roughly rectangular plot of land to the rear of the house and garage at Lower Honkley Farm. There are some dilapidated buildings on the site
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close to the access point onto Stringers Lane as well as a metal storage building with a pitched roof and double doors positioned in the far corner. The land appears to be disused; it is covered by a mix of gravel and stones, rough grass and weeds, and some general debris. The site was formerly occupied by large industrial units and is thus previously developed. It is also in a green barrier. The development proposed is five dwellings and accompanying infrastructure.

4. Green barriers are the equivalent of the Planning Policy Wales' (PPW) green wedges, that is, local designations which essentially have the same purpose as Green Belts. The single difference between the two is that Green Belts have permanence whereas green wedges/barriers are subject to review as part of the local development plan (LDP) preparation process.
5. PPW states that the construction of new buildings is inappropriate development in the green barrier. There are some exceptions, including new buildings for: rural enterprise needs; essential facilities for outdoor sport and outdoor recreation; the limited extension, alteration or replacement of existing dwellings; or small scale farm diversification¹. The proposed development would not be one of these and would, therefore, be inappropriate in the green barrier.

Openness/purposes of the green barrier

6. PPW makes it clear that the main aim of green barriers is to prevent urban sprawl by keeping land permanently open; their essential characteristic is openness². Openness is generally considered to be an absence of development. The proposed building would have an L-shaped plan; although narrow both wings would be of some length. In addition, there would be a separate garage block and a hard-surfaced access way, parking and turning area, and paths. Although the area of new development would be offset to some extent by the removal of the existing buildings, all in all a significant part of the site would be developed.
7. There is also a visual element to the concept of openness. From some viewpoints, including places along Stringers Lane, the L-shaped form of the proposed building would block existing views across the site to the surrounding countryside. The small square arch through would do little to alleviate this effect. In addition, parked cars, traffic movements to and from the development and other activity, and general domestic paraphernalia in the individual gardens and elsewhere would emphasise the loss of openness.
8. Overall, therefore, the proposed development would result in a noticeable reduction in openness. Furthermore, the loss of openness would not assist in safeguarding the countryside from encroachment, one of the purposes of including land in the green barrier. The proposed development would not, therefore, comply with Policy EC1 of the Wrexham Unitary Development Plan (UDP), adopted 2005.
9. I have noted that the extent of green barrier is greatly reduced in the deposit Wrexham Local Development Plan (LDP) and that the appeal site would no longer be included in one. The LDP examination, however, has not yet taken place and thus its policies carry limited weight.

¹ PPW 10th edition, paragraph 3.71

² PPW 10th edition, paragraph 3.61

Setting of listed building

10. The main building at Lower Honkley Farm is the farmhouse which is listed as a surviving example of a sub-medieval cruck-framed dwelling. Its significance thus lies in its function, its age and its method of construction. Although altered and recently renovated the building's interest is still apparent from its appearance. A fitting setting for such a building would be open countryside, especially if in agricultural use, and agricultural buildings of a modest size.
11. The facing brick walls, slate roofs, and painted timber, plainly-detailed windows and doors proposed would be suitable in this location, as would the low, 1½ storey height of the buildings. With three dwellings side-by-side along one, and two along the other, the right-angled arms of the building would, however, be unduly long. This length would be emphasised by the regularly-spaced fenestration, especially the rows of roof lights. The scale of the proposed range of buildings would, therefore, be disproportionate to that of the existing small farmhouse.
12. In addition, the general layout of the proposed development, particularly the orientation of the buildings, the individual curtilages (which would be separated with 1.2m high brick walls³), and the facilities for cars; and the door and window details which would identify the buildings as modern dwellings; would not clearly resemble a farm courtyard. Consequently, the proposed development would not relate to the listed farmhouse in a characteristic, agricultural manner. Whilst there would be a benefit from the demolition of the existing, shabby buildings on the site, overall the proposal would not respect the setting and character of the listed building or, therefore, comply with UDP Policy EC9. In reaching my decision on this matter I have had regard to the statutory listed buildings test.

Open countryside/character and appearance

13. The general policies controlling development in the countryside apply in a green barrier. The appeal site is not within defined settlement limits and is categorised as being in the open countryside. As such it would not be consistent with the Council's broad strategy for the location of development and contrary to UDP Policy PS1. The settlement limits are consistent with the Council's UDP housing requirement which was based on data collected in 1996; current housing needs will not be met without releasing land outside of the UDP settlement limits. The Council therefore accepts, and I agree, that Policy PS1 is outdated and attracts limited weight.
14. Further detail on the location of residential development is provided by UDP housing policies. As the proposed dwelling would not be the conversion of an appropriate building to residential use; the sub-division of an existing dwelling; an affordable dwelling; or would not fulfil an essential need to house an agricultural or forestry worker, it would be contrary to UDP Policy H5 and could not be permitted in this open countryside location. PPW continues to advise that new building in the open countryside away from existing settlements or allocations in development plans must be strictly controlled⁴. UDP Policy H5 is in line with this advice and can be afforded full weight.
15. Despite the presence of clusters of development and dwellings nearby the site is in a rural, open countryside setting. The introduction of the proposed development in

³ Planning Statement (April 2018) paragraph 3.8

⁴ PPW 10th edition, paragraph 3.56

this location would not accord with the character of the site, particularly in terms of its layout and scale, or make a positive contribution to the appearance of the nearby locality. It would thus be contrary to UDP Policy GDP1 and H5.

Other considerations

16. Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the green barrier⁵. The appellant sets out several matters in support of the proposal which amount to other considerations.
17. There is extant planning permission for the demolition of a redundant industrial unit and the erection of three residential units⁶ which establishes the principle of residential use on the site. Despite submitting evidence that it would not be viable, the appellant states that the extant scheme would be constructed in the event that the appeal proposal is not permitted. The permitted scheme would result in three dwellings and a garage block in roughly similar positions to the development proposed here. The permitted footprint would, however, be considerably smaller than that now proposed with a clear gap between the two residential blocks. Its effect on the openness and purposes of the green barrier would not, therefore, be as detrimental. The scheme would be preferable to the proposal before me and the fallback position thus adds little weight in support of the proposed development.
18. A submitted drawing and aerial photos in the planning statement indicate that the industrial units previously located on the site occupied a large footprint immediately to the rear of the listed building (although not all within the appeal site). It seems likely, however, that the advantages to openness, and to the character and appearance of the area, of the removal of the industrial units were balancing factors in the determination of the extant permission. The industrial units are no longer in place and their previous existence on site is thus a consideration which no longer carries any weight.
19. That it was enabling development for the renovation of the adjacent listed building, which would also remove an unsightly industrial use from the setting of that building, was strong justification for the extant permission. The appellant has submitted a valuation and financial appraisal with the appeal application. This indicates that the extant scheme, including works to the listed building, would not be viable whereas the proposed development, also with listed building works, would be.
20. The guidance in PPW is that enabling development may be appropriate if the public benefit of enhancing an important historic asset decisively outweighs the harm to other material interests as identified by the main issues. Planning permission for a scheme reliant upon enabling development should only be granted subject to criteria including that the achievement of the heritage objective is securely and enforceably linked to the enabling development; and where the place concerned is repaired to an agreed standard⁷. Much work on the listed building has been carried out but it is not clear to me what this was, how it would be linked to the proposed development or the extent of its public benefit. The enabling

⁵ PPW 10th edition, paragraph 3.70

⁶ P/2002/1333, approved 10.01.2005

⁷ PPW 10th edition, paragraph 6.1.31 & 6.1.32

development benefits of the proposal are not, therefore, soundly evidenced and carry little weight in favour of the development.

21. The development plan has passed its end date and the Council is not able to prepare an annual Joint Housing Land Availability Study⁸. The County Borough does not, therefore, have a five year supply of housing land. Although paragraph 6.2 of TAN 1 no longer applies⁹ there remains a requirement for decision makers to attribute weight to the need to increase housing land supply where there is no five year housing land supply. In this case, the limited benefit to the housing stock is not a compelling argument in support of new dwellings in an inappropriate location and carries little weight. Although the end date has passed the UDP remains the adopted development plan; planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise¹⁰.
22. As the site has been previously developed its re-use would be preferred by PPW, although with the caveat that it must be suitable for development¹¹, and under UDP Policy PS3. Any development proposed upon it must nonetheless adhere all other policy requirements. These are not reduced as a result of the site's location close to the edge of the green barrier and not near any adjoining settlements. The proposed development would tidy up a site, in the long term, which currently has a neglected appearance. This is a limited benefit, however, which would do little to off-set the harm caused by the proposal including to the setting of the listed building.

Conclusion

23. The proposed development would be inappropriate in a green barrier, would fail to preserve openness, and would be contrary to one of the purposes of green barriers. It would also harm the setting of the listed building and be generally inconsistent in this countryside location. Overall, the proposed development would result in significant harm. The other considerations together carry only limited weight which is not sufficient to clearly outweigh that harm. Very exceptional circumstances do not therefore exist in this case.
24. 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.

Sian Worden
Inspector

⁸ Technical Advice Note 1 – Joint Housing Land Availability Studies, paragraph 8.1

⁹ Letter from WG to LPAs, July 2018

¹⁰ PPW 10th edition, paragraph 1.21

¹¹ PPW 10th edition, paragraph 3.51