

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT HILLVIEW,
CHAPEL LANE, BRONINGTON.**

COUNCILS STATEMENT OF CASE

**PLANNING REF: P/2017/0800
PINS REF: H6955/A/19/3220529**

1.0 THE SITE

The site lies on the fringe of the settlement of Bronington approximately 10 miles to the south-east of Wrexham on the A495 between Ellesmere to the west and Whitchurch to the east.

2.0 PROPOSAL

Outline application to erect single dwelling with all matters reserved for subsequent approval.

3.0 RELEVANT PLANNING HISTORY

P/2017/0800 Outline application refused 19/11/18

4.0 NATIONAL PLANNING CONTEXT

Planning Policy Wales in particular chapters 4 and 9 (Edition 10)

5.0 LOCAL PLANNING CONTEXT

The following policies of the Wrexham Unitary Development Plan are relevant to the appeal

PS1, GDP1, PS2 AND H5

6.0 THE COUNCILS CASE

The site lies outside of a settlement limit (as defined on the UDP proposals maps) and in open countryside, where in accordance with Planning Policy Wales and Wrexham UDP policies, residential development is strictly controlled. Policy H5 allows for limited housing development to take place outside of settlement limits but only where the proposals are for:

- i) the conversion of suitable buildings
- ii) the subdivision of an existing dwelling
- iii) up to two dwellings on an infill plot
- iv) small scale affordable housing schemes on sites adjacent to the settlement limit

Local Planning Guidance Note 13 – Housing in the Countryside explains the approach which the Council takes towards dealing with proposals in the countryside and amplifies Unitary Development Plan (UDP) policies and reiterates that outside defined settlement limits new dwellings will only be permitted where proposals comprise infilling. Infill proposals are defined as the development of one or two residential units in a small gap along a continuously development highway frontage, with a clearly identifiable group of buildings. Consideration is required of the size of the gap, distance between properties (continuously development highway frontage) of buildings either in a row or on a crossroads.

Reference is also made to field parcels separating dwellings and would not be appropriate as a small gap and it would be unlikely this could be defined as a group

The appellants agent considers the site to be an infill plot. The Council however does not agree. Local Planning Guidance Note 13 reiterates and requires a small gap in a continuously developed highway frontage within a clearly identifiable group of buildings. The Council does not consider that this has been provided.

7.0 I would like to make the following comments on Section 5.1 – 5 year land supply

Paragraph 6.2 of TAN 1 does not currently apply. In July 2018, Lesley Griffiths the Cabinet Secretary for Energy, Planning and Rural Affairs in Wales resolved to dis-apply Paragraph 6.2 of TAN 1 which attaches “considerable” weight to the lack of a five year housing land supply as a material consideration in determining planning applications for housing. The weight applied to a lack of 5 year land supply is therefore no longer relevant until further notice.

In addition, as this would only be a single dwelling and its contribution to the 5 year land supply would be indirect and inconsequential. The reason being that the contribution from small sites to the overall land supply is taken from the average completion rates over the last 5 years , not the fact that it has permission and can be delivered within 5 years as would be the case for sites containing 10 or more units. Furthermore given it is so small it would add little or anything to the supply.

Planning Policy Wales is now Edition 10.

8.0 CONCLUSION

The site is located outside of a settlement limit and does constitute an infill plot as defined in Local Planning Guidance Note 13, Housing in the Countryside. Infill proposals are defined as the development of one of two residential units in a small gap, along a continuously developed highway frontage, with a clearly identifiable group of buildings. The appeal proposals are therefore contrary to UDP policies PS1, PS2, H5 and GDP1 and LPG Note 13 Housing in the Countryside.

The Council therefore respectfully requests that the appeal be DISMISSED.

SUGGESTED LIST OF CONDITIONS IN THE EVENT OF THE APPEAL BEING ALLOWED:

CONDITION 1

Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:

- a) The layout of the building(s)
- b) The scale of the building(s)
- c) The appearance of the building(s)
- d) The means of access to the site and building(s)
- e) The landscaping of the site.

Reason: To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)

CONDITION 02

Plans and particulars of the reserved matters referred to in Condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

CONDITION 3

The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

CONDITION 4

No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.

Reason: In the interests of protecting the integrity of the nearby SAC and SSSI and providing acceptable drainage provision to prevent any possible pollution.

