



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/11/18

gan Siân Worden BA MCD DipLH
MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 19.12.2018

Appeal Decision

Site visit made on 29/11/18

by Siân Worden BA MCD DipLH MRTPI

an Inspector appointed by the Welsh Ministers
Date: 19.12.2018

Appeal Ref: APP/H6955/A/18/3211198

Site address: 1 Cae Pentre, Singrett Hill, Gresford, LL12 8RL

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 Mr and Mrs Percival against the decision of Wrexham County Borough Council.
 - The application Ref LLA P/2017/0951, dated 13 November 2017, was refused by notice dated 30 July 2018.
 - The development proposed is the demolition of the existing workshop and construction of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was in outline with all matters reserved for later determination.

Main Issues

3. 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 any relevant development plan policies;
 - the effect of the proposed development on the openness of the green barrier;
 - the effect of the proposed development on green barrier purposes;
 - the effect of the proposed development on the open countryside; and
 - whether the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very exceptional circumstances required to justify the proposal.
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Reasons

Inappropriate development

4. The appeal site is a parcel of land currently within the curtilage of 1 Cae Pentre, a semi-detached dwelling. There are some scattered dwellings in the surrounding area and poultry sheds opposite; generally the setting is rural and the site is within a designated green barrier. The appeal plot itself is hard surfaced and contains an industrial unit, previously used in connection with HGVs which have permission to operate from the site, in the rear corner. The proposed scheme is to demolish the unit and erect a detached house on the site.
5. Green barriers are the equivalent of 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.
6. PPW states that the construction of a new building, such as is proposed here, is inappropriate development in the green barrier. There are some exceptions including, for example, if the new building is 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. It is not the appellants' case that the proposal would be one of these exceptions and I do not disagree with that position.
7. Other types of development, such as the re-use of buildings, mineral extraction and local transport infrastructure, may also not be inappropriate in a green barrier. The proposed development is clearly none of these and would be, therefore, inappropriate. There is a presumption against inappropriate development in the green barrier.

Openness

8. 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. In this case the demolition of the existing industrial unit, which is a good size, would go some way towards offsetting the impact on openness of the proposed dwelling. In addition, and depending on how it was landscaped, the garden around the proposed house would reduce the existing amount of hardstanding, having a positive impact on openness.
9. There is also, however, a visual element in the determination of openness. Being set further forward on the site and extending across more of its width than the existing unit, the proposed development would be more clearly apparent than the existing unit. Overall, therefore, the proposed development would result in a small but noticeable reduction in openness such that that of the green barrier would not be maintained.

Purposes of green barriers

10. PPW states that the purpose of the Green Belt, and therefore green barriers too, includes preventing the coalescence of settlements; and assisting in safeguarding the countryside from encroachment. Other purposes are listed but are less relevant to

¹ PPW 10th edition, paragraph 3.71

² PPW 10th edition, paragraph 3.61

this location and case. The site is already developed and contains a sizeable building. I do not consider, therefore, that the redevelopment proposed would conflict with any of the green barrier purposes even though there would be a small reduction in openness.

11. Although the proposed development would not conflict with the purposes of including land within the green barrier, it would not be one of the exceptions listed in the UDP policy or maintain openness. It would therefore be contrary to UDP Policy EC1.

Open countryside

12. The general policies controlling development in the countryside apply in a green barrier³. The appeal site is not within defined settlement limits and is therefore categorised as being in the open countryside where housing development is strictly controlled. As such it would not be consistent with the Council's broad strategy for the location of development set out in the Wrexham Unitary Development Plan (UDP) and contrary to UDP Policy PS1.
13. Further detail on the location of residential development is provided by the 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; infilling; or a dwelling for a full-time rural enterprise worker, in this location it would be contrary to UDP Policy H5. In my view the proposed development would constitute the consolidation of a sporadic group⁴, thus being out of line with the purpose of the policy as well as its specific wording. It is the correct approach to consider proposals against the explicit policy wording before the broader goals and objectives set out in the explanatory and introductory text of the UDP.
14. The proposed dwelling would be of a similar scale to the neighbouring dwellings and could be detailed to be in keeping with them. In extending the area of residential development in the immediate vicinity it would be to the detriment of the surrounding countryside. This disadvantage has to be balanced, however, against the permitted use of the site which is commercial and not particularly suitable for a rural area. To my mind, the proposed development would also improve the appearance of the existing site which, whilst not untidy or poorly maintained, looks disused. The proposed development would not materially affect the countryside character or the quality of the natural environment and would not be contrary to UDP Policy PS2.
15. I have no evidence that the appeal site is within reasonable walking distance of everyday services and facilities or public transport services. It is likely, therefore, that the majority of trips to and from the proposed dwelling would be by car. I am aware of the extant permission for the use of the site by four HGVs which would indeed produce significantly higher levels of emissions than the two or three cars which future occupiers of the proposed dwelling might use. Nevertheless, the HGV use does not seem to be taking place currently and I cannot be sure that the site would revert to that use if the dwelling proposed is not permitted.
16. Locating the proposed development adjacent to two existing dwellings on a brownfield site would not be greatly at odds with the existing settlement character and pattern. I do not consider, however, that it would help to reduce the overall need to travel or encourage the use of alternatives to the car. In that respect the proposal would be contrary to UDP Policy PS4.

³ PPW 10th edition, paragraph 3.65

⁴ UDP paragraph 6.12

Other considerations

17. Inappropriate development should not be granted planning permission except where other considerations clearly outweigh the harm which would be caused to the green barrier⁵. The appellants set out several matters in support of the proposal which are other considerations. As the site has been previously developed its re-use would be preferred under UDP Policy PS3. The removal of a commercial development from the site would also be a benefit to the countryside, as would its improved visual appearance. These advantages attract moderate weight.
18. The development plan has passed its end date and the Council is thus not able to prepare an annual Joint Housing Land Availability Study⁶. The County Borough does not, therefore, have a five year supply of housing land. The benefit of the proposed dwelling to the housing stock would be very limited, and carries minimal weight.

Conclusion

19. The proposed development would be inappropriate in a green barrier and would fail to preserve openness. It would not, however, be contrary to the purpose of green barriers. Whilst not visually detrimental, and having the advantage of re-using a brownfield site, the proposed development would not be generally consistent with this countryside location. Overall, the proposed development would result in significant harm to the green barrier and open countryside. The other considerations carry only moderate weight which is not sufficient to clearly outweigh the harm caused. Very exceptional circumstances do not therefore exist in this case.
20. 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.
21. For the reasons given above I conclude that the appeal should be dismissed.

Sian Worden

Inspector

⁵ PPW 10th edition, paragraph 3.70

⁶ Technical Advice Note 1 – Joint Housing Land Availability Studies, paragraph 8.1