
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 4/01/18

**gan Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23/01/18

Appeal Decision

Site visit made on 4/01/18

**by Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 23/01/18

Appeal Ref: APP/H6955/A/17/3186100

**Site address: Land West of Cae Plas Teg, Off Tyn-Y-Cestyll Road, Glyn Ceiriog,
Wrexham, LL20 7NL**

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 & Mrs David Howell against the decision of Wrexham County Borough Council.
 - The application Ref LGC P/2017/0358, dated 16 January 2017, was refused by notice dated 28 June 2017.
 - The development proposed is for the "Erection of 2 No. detached dwelling and new access".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development differs slightly on the planning application form to that stated on the Council's refusal notice. The description as given on the Council's refusal notice is more accurate and it is on this basis that I have determined the appeal. In addition the description of the site address varies slightly between that given on the planning application form and that stated on the Council's refusal notice; I have used the latter description which is more accurate.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding countryside having particular regard to the location of the site within a Special Landscape Area (SLA).

Reasons

4. The appeal site which forms part of a steeply sloped field is located in open countryside close to the defined settlement limit for Glyn Ceiriog. The field is bounded on three sides by trees or hedging, with the eastern boundary generally lacking in any significant vegetation; the open interior of the site devoid of development is reflective of the wider character of the valley in which it is located. To the immediate west of the site on rising ground is a public footpath, whilst to the north on the opposite side of Tyn Y Cestyll Road at a slightly lower level are other dwellings. To the eastern
-

boundary of the site at a lower level are a number dwellings accessed off a small cul-de-sac known as Cae Plas Teg. The site is located within a SLA as designated in the adopted Wrexham Unitary Development Plan (UDP).

5. Policy PS1 of the UDP is strategic in nature and seeks to direct new housing development to within defined settlement limits. Policy PS2 of the UDP states, inter alia, that development must not materially detrimentally affect the countryside or the quality of the natural environment. Policy PS3 of the UDP states that development should use previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of greenfield land. Policy PS4 of the UDP refers, inter alia, to development maintaining the existing settlement pattern and character.
6. Policy H5 of the UDP permits new dwellings outside defined settlement limits in a number of limited circumstances subject to policy GDP1; in this respect policy GDP1 seeks, inter alia, to ensure that development accords with the character of the site and makes a positive contribution to the appearance of the locality, and that development is located where it has convenient access to public transport, and secures the development of sustainable communities through the economic, social and environmental well-being of the area. Policy EC5 of the UDP gives priority to the conservation and enhancement of the landscape within SLA's.
7. Whilst the UDP is time expired nonetheless, the policies referred to above broadly reflect the stance taken in Planning Policy Wales Edition 9 (PPW), insofar as they relate to the control of new housing in the countryside in line with sustainability principles and the protection of landscapes.
8. It is a long standing planning policy position that the countryside should be safeguarded from uncontrolled and sporadic development, with development primarily directed to existing settlements; otherwise unrestrained encroachment of the countryside would occur. Nonetheless, other appropriate locations outside settlements cannot be discounted and these have to be weighed against national advice supporting sustainable development as detailed in PPW.
9. The appeal site does not lie within any defined settlement limit and is located in open countryside and is not previously developed land; its development for residential purposes would therefore run contrary to policies PS1 and PS3 of the UDP. In terms of policy H5 of the UDP, the appellant does not satisfy any of the criteria that permit dwellings outside of defined settlement boundaries.
10. I appreciate the site is enclosed to a degree by existing vegetation and other built development, nonetheless the boundaries also reinforce its rural appearance rather than provide any strong association with nearby dwellings. The site's open rural interior appearance is strengthened by the backdrop of the surrounding countryside to the rear and side of the site; this is particularly apparent from a number of close and more distant views such as the adjacent footpath, along the main road through the settlement, and from a minor road across the valley. The proposed dwellings on the site, notwithstanding their more traditional design, or set back into the hillside, would be visually prominent. I accept that some views may be partial, transitory and benefit from screening effects of vegetation and buildings, nonetheless, the proposed dwellings when they would come into view would be conspicuous and result in an urbanising and an intrusive form of development that would be significantly detrimental to the character and appearance of the rural area and the SLA.

11. In support of their case the appellants' draw comparisons between the proposed development and two more recently constructed properties located to the north of the appeal site on the opposite side of Tyn-y-Cestyll Road as an indication of the established pattern of development in the area. However I consider these dwellings are generally the exception to the built form of development within the settlement of Glyn Ceiriog which in broad terms is well defined in this location, being formed principally by the topography and line of buildings below the appeal site; in this respect I generally agree with the views expressed in the previous appeal decision¹ relating to the site. In addition, the visual impact of these properties is much less than that proposed as they have lower ridge heights, do not project as far back into their plots, are broadly in line with adjacent development, and benefit from enhanced screening. I accept there are other dwellings at a higher level scattered across the valley but these appear to be well established and generally at significant distances from the built up part of the settlement; as a consequence, and contrary to the views of the appellant, the proposed development would not reflect the established pattern of development, rather it would have an urbanising effect that would erode the rural character and appearance of the landscape.
12. The east facing orientation of the proposed development would not overcome the significant harm identified. I appreciate the site would benefit from some screening effects due to existing and proposed landscaping, however, these would be absent for long periods in the early and latter parts of the year and therefore unlikely to provide adequate or significant screening, whilst any new planting would take a considerable amount of time to have any meaningful effect.
13. I do not accept it would be appropriate to regard the proposal as a rounding off form of development since it would extend the built form into an elevated part of the valley above the general line of development into an undeveloped open area which is next to further expanses of countryside; it would represent incremental creeping of development up the valley side. PPW states the countryside, in line with sustainability principles, should be conserved and where possible enhanced for its own sake. The proposed development would neither conserve nor enhance the countryside and to my mind has not been justified on a site that is within a rural location.
14. For the above reasons the proposed development would be significantly detrimental to the character and appearance of the area and the SLA. The proposed development therefore runs contrary to policies PS2, PS4, EC5 and GDP1 of the UDP and PPW, which collectively seek to protect visual amenity and landscape character, in addition to the policies PS1, PS3 and H5 which seek to control the location of new development.

Other Matters

15. The Council does not have a 5 year supply of residential land as required by PPW. Clearly the lack of a 5 year supply is a significant material consideration that weighs in favour of the proposal. TAN 1², states that the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national policies. The proposed development of two dwellings would only provide very modest benefits in terms of the contribution they would make to overall housing land supply. However

¹ Appeal Ref. APP/H6955/A/16/3148505

² Planning Policy Wales Technical Advice Note 1: Joint Housing Land Availability Studies 2015

any modest benefit of the proposal in terms of the contribution to housing land supply, does not outweigh the identified harm. I appreciate the cumulative contribution sites such as that proposed would make in terms of housing land supply, however, individual proposals have to be considered on their own merits and for the reasons previously given the proposed development is not acceptable.

16. The appellants' argue that the housing needs of rural areas cannot be met alone by the use of brownfield sites, however the development of non-brownfield sites also need to safeguard the character and appearance of the area, and in this instance I have found this is not the case.
17. The appellants' draw attention to the local services and job opportunities provided within the village and the wider area, and it's accessibility via public transport, however, these benefits, either individually or combined with any other sustainable benefits associated with the proposal, such as the proposed dwellings method of construction would not outweigh the harm identified.
18. PPW states that a plan led approach is the most effective way to secure sustainable development through the planning system. The UDP policies applicable to the proposed development broadly reflect the stance taken in PPW insofar as they relate to safeguarding visual amenity and landscape character, and the control of new housing in the countryside in line with sustainability principles. The presumption in favour of sustainable development as set out in PPW does not apply having regard to the key principles and key policy objectives of sustainable development³.
19. Third parties refer to the detrimental impact of the proposed development in terms of flooding, ecology and highway safety; however there is no substantive evidence that these interests would be adversely affected by the proposed development.

Conclusion

20. For the above reasons I conclude that the proposed development would be contrary to local and national planning policies that collectively seek to protect visual amenity and landscape character and none of those factors in favour of proposal would outweigh this harm. After taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal should be dismissed.
21. 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 WBFG Act. In reaching my 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.

Declan Beggan

INSPECTOR

³ PPW paragraphs 4.2.2, 4.2.4, 4.2.5