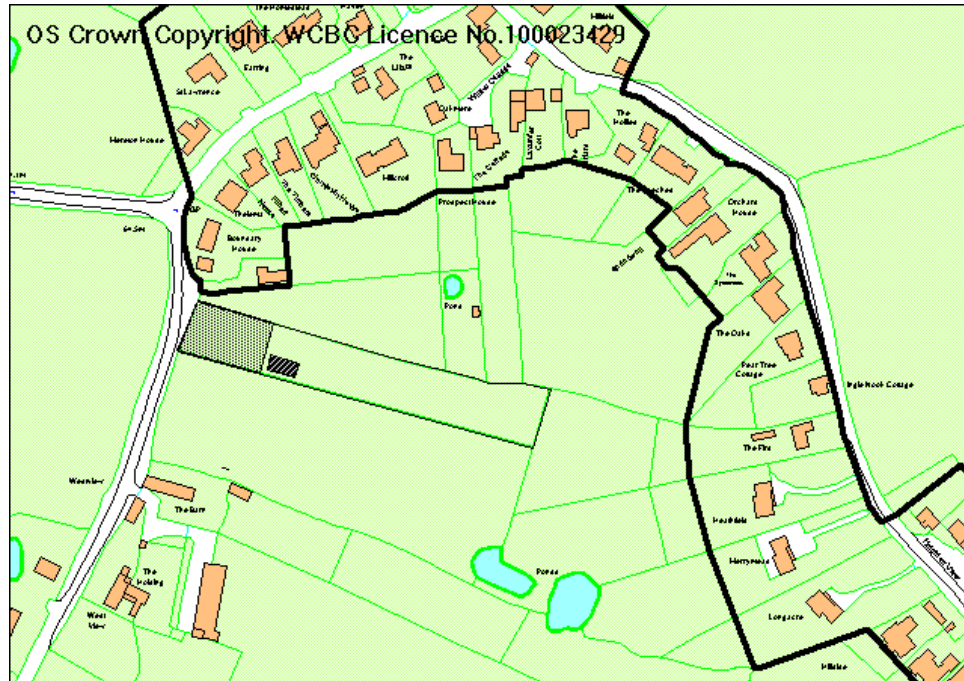


1.0 THE SITE

- 1.1 A rectangular piece of land measuring approximately 900 square metres located outside of the settlement limit on land to the south of Boundary House, Horsemans Green, Wrexham.



2.0 PROPOSAL

- 2.1 Planning permission was sought in Full for the development of the land for residential purposes.

3.0 RELEVANT PLANNING HISTORY

- ### 3.1

P/2007/0291 Stable block with feed store	Granted (Implemented)	20.04.07
P/2008/1067 General purpose agricultural building	Refused	07.11.08
P/2012/0380 Stable block and store, kitchen and toilet block	Refused Appeal Dismissed	18.01.13
P/2013/0219 Stable, store and personal facilities area	Refused Appeal Dismissed	07.10.13
P/2013/0393 Stable, store and personal facilities area	Refused Appeal Dismissed	29.07.13
P/2014/0421	Refused – Appeal ref:	01.09.2014

Outline planning application for residential development (2 dwellings).	H6955/A/14/2226862 Dismissed	
P/2017/0426 Erection of detached dwelling with associated garage, parking and new access.	Application Withdrawn	30.06.2017

4.0 LOCAL AND NATIONAL PLANNING CONTEXT

- 4.1 Planning Policy Wales (PPW) Edition 9, in particular Chapters 2 and 9.
- 4.2 Technical Advice Note 1: Joint Housing Land Availability Studies.
- 4.3 Technical Advice Note 2: Planning and Affordable Housing.
- 4.4 Technical Advice Note 6: Planning for Sustainable Rural Communities.
- 4.5 The relevant development plan is the Wrexham Unitary Development Plan, as adopted by the Council in 2005. For the purposes of this Appeal, policies GDP1, PS1, PS3, PS2, PS4, H5 and H8 are relevant.
- 4.6 Policy GDP1 states that “All new development should:
- a) Ensure that built development in its scale, design and layout and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality, and
 - d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.”
- 4.7 Policy PS1 states that “New development for housing...will be directed to within defined settlement limits...”
- 4.8 Policy PS2 states that “Development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment.”
- 4.9 Policy PS3 states that “Development should use previously developed brownfield or underused land in preference to greenfield land wherever possible, particularly so where greenfield land is of ecological, landscape or amenity value...”
- 4.10 Policy PS4 states that “Development should maintain the existing settlement pattern and character and be integrated with the existing transport network to help reduce the overall need to travel and encourage the use of alternatives to the car.”
- 4.11 Policy H5 states that “Outside of defined settlement limits new dwellings will only be permitted where:-

- a) the proposal is for the conversion or sub-division of an existing building, or is for affordable housing where there is a proven need for such a development; or
- b) The proposal comprises infill; or
- c) The proposal is needed to house a key worker.

4.12 Policy H8 states that “in exceptional circumstances, where a proven need from persons unable to compete in the local housing market cannot be made in rural settlement limits, consideration will be given to other limited affordable housing proposals on the edge of settlement limits where it forms a logical extension to the settlement limit and reflects the surrounding landscape.”

5.0 BACKGROUND

- 5.1 The Appeal site forms part of a larger piece of greenfield land, located outside of the settlement limit, upon which planning permission to erect a single ‘L’ shaped block containing 3 no. stables and feed store was granted in 2007 (P/2007/1291). This permission has now been implemented.
- 5.2 Planning permission to erect a second building for additional facilities such as a kitchen, toilet, store etc. on the site has since been refused on three separate occasions and all subsequent Appeals to the Planning Inspectorate against these decisions have been dismissed. In reaching his decision, the Inspector agreed with the Council that the increase in footprint of the proposed built development would have a materially adverse impact upon the appearance of the site to the detriment of its character and that of the area generally, contrary to Policies PS2 and GDP1 of the Wrexham UDP.
- 5.3 In 2014, an application was received for Outline planning permission for the erection of 2 no. dwellings. The application related to part (approximately one quarter) of this greenfield site, adjacent to its frontage with the public highway. Planning permission was refused and a subsequent Appeal to the Planning Inspectorate was dismissed. The Inspector in reaching his decision agreed with the Council that the development of this site would be materially detrimental to the landscape and would fail to accord with the character of the site or make a positive contribution to the appearance of the nearby locality. To develop the site and extend the built form into an area of open field would extend the pattern of the built-up area out in a ribbon form and would have an urbanising effect that would erode the amount of open space at the edge of the settlement. Further, the Inspector agreed that this site was not sustainably located for the purposes of residential development.
- 5.4 The Appellant also referred to the shortfall in the supply of housing within the County Borough. Nonetheless, whilst accepting that small sites such as this can make a contribution, the Inspector did not

consider that in this case such a contribution, or the need to increase the supply of land for housing, would justify a development that would be contrary to the policies PS1, PS2, PS3, PS4, GDP1 and H5 of the Wrexham Unitary Development Plan

- 5.6 The application now subject of the Appeal is made in full. The differences between this proposal and the 2014 proposal are that the number of units has been reduced from 2 to 1, the dwelling is reduced in height from two storeys to single storey, and the dwelling is proposed to be an affordable unit. Along with the merits of the previous application for residential development of the land, it is necessary to consider whether the benefit of the development in contributing to the affordable housing land supply, would outweigh the harm of allowing development outside of the settlement limit.
- 5.7 The reason for refusal of permission was given as “The site is greenfield and is located outside of any settlement limits as defined in the Wrexham Unitary Development Plan. The development would be materially detrimental to the countryside and would represent an undesirable visual intrusion into the rural landscape. The development would not maintain the existing settlement pattern and would not accord with the character of the site or make a positive contribution to the appearance of the locality. The proposals do not accord with any of the limited circumstances that permit small scale residential development on sites outside of settlement limit and the development conflicts with Policies PS1, PS2, PS3, PS4, GDP1, H8 and H5 of the Wrexham Unitary Development Plan.”

6.0 THE COUNCIL’S CASE

6.1 Policy:

6.1.1 Policy H8 states that in exceptional circumstances, where a *proven need* from *persons unable to compete in the local housing market* cannot be made in rural settlement limits, consideration will be given to other limited affordable housing proposals on the edge of settlement limits where it forms a logical extension to the settlement limit and reflects the surrounding landscape. The site is separated from the edge of the village by the side garden area of Boundary House and by a triangular area of land which is currently used as a paddock for keeping horses. The extension to the settlement limit is not considered to be logical, and the open fields on the edge of the settlement make a significant contribution to the rural setting of the village and form a distinctive edge to this part of Horsemans Green. To develop the land would not reflect the surrounding landscape. Insufficient information has been submitted to demonstrate a proven need for affordable housing in Horsemans Green or to justify the development as being in exceptional circumstances and, as such, the development is contrary to UDP Policy H8. No evidence has been provided to show that the development provides for genuine local

needs with a high degree of certainty that it can be brought forward as affordable housing as defined in TAN 2, for the intended occupation by the applicant as a person unable to compete in the local housing market.

6.1.2 The proposals do not accord with any of the limited circumstances set out in policy H5 that permit small scale residential development on sites outside of settlement limit (rural exception site, infilling and agricultural workers dwellings).

6.1.3 The principle of development in this location remains unacceptable when assessed against the applicable policies PS1, PS2, PS3, PS4 and GDP1 of the Wrexham Unitary Development Plan with respect to the broad location of development, re-use of brownfield land, sustainable modes of travel, development patterns and principles of housing in the countryside. The development of this site would be materially detrimental to the landscape and would fail to accord with the character of the site or make a positive contribution to the appearance of the nearby locality. Whilst the reduction in the height and number of dwellings proposed has lessened the visual impact, these concerns have not been overcome and the residential development of the site remains unacceptable. To develop the site and extend the built form into an area of open field would extend the pattern of the built-up area out in a ribbon form and would have an urbanising effect that would erode the amount of open space at the edge of the settlement.

6.1.4 The development would not maintain the existing settlement pattern or integrate with existing transport networks to help reduce the need to travel or encourage the use of alternatives to the car. The site is not brownfield and would result in the loss of land of ecological, landscape and amenity value. The development would therefore cause significant harm to the locality that the UDP policies already mentioned above were designed to protect and thus would not comply with the above mentioned policies.

6.2 Housing Land Supply:

6.2.1 Planning Policy Wales (para 9.2.3) requires Local Planning Authorities to ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land, judged against the general objectives and the scale and location of development provided for in the development plan. TAN1 para 8.2 highlights that Local Authorities that do not have either an adopted LDP or UDP will be unable to demonstrate whether or not they have a 5 year housing land supply and effectively will be deemed to have a zero land supply.

6.2.2 The emerging Deposit LDP will need to make provision for approximately 8525 homes (which includes a 10% contingency allowance) to meet the housing requirements of the County Borough

over the 2013-2028 period. Taking into account the existing housing supply (approx. 2027 houses) and a windfall development allowance (approx. 2145 houses) and completions between 2013 and 2017 (approx. 977 houses) this equates to a requirement for additional land to be brought forward approximately 3376 new houses. Given that TAN1 deems this authority to have a zero housing land supply as a result of the UDP having expired and there being no adopted LDP in place, this should be treated as a material consideration in determining planning applications for housing.

6.2.3 TAN1 (paragraph 6.2) advises that the need to increase supply should be **given considerable weight** when dealing with planning applications, provided that development would comply with the Development Plan and national policy. Local Planning Authorities are required to include a statement in the JHLAS study outlining measures it is taking to address the shortfall in housing land supply. In accordance with paragraph 3.3 of the 2017 Housing Land Monitor Statement, the Council will continue to take a pro-active stance in supporting appropriate growth in the County Borough where it meets policy objectives and identified local needs. However, it is important to understand that this is not just about increasing housing numbers, but to promote sustained growth in the right location which meets the needs of the local communities. Therefore each site that comes forward will be considered on its merits with the principal considerations focusing on whether the site meets all of the other planning considerations and represents a sustainable form of development.

6.2.4 The Council acknowledges that paragraph 2.7.1 of Planning Policy Wales advises that development plan policies be given decreasing weight when they are outdated or superseded. However whilst the UDP plan period has now expired, its use of settlement limits (as part of a settlement strategy) remain broadly consistent with Planning Policy Wales. As such policies PS1, PS2, PS3 and PS4 are not considered to be out of date. The Council contends that these policies should continue to be afforded considerable weight.

6.3 Sustainable Development:

6.3.1 Planning Policy Wales includes a ***presumption in favour of sustainable development***. There are no shops, churches, public houses, medical facilities or areas of public open space near to the site nor are there regular bus services to access these facilities. Occupiers of the development would need to access basic services elsewhere - the nearest settlements being Hanmer approximately 2.4 km away and Penley approximately 3.7 km away. Given the lack of public transport it is inevitable that private cars will be used to access essential services and facilities. Horsemans Green can therefore not be regarded as a sustainable settlement.

6.3.2 The proposal would not comply with the objectives for sustainable development set out in paragraph 4.4.3 of PPW – particularly locating developments so as to minimise the demand for travel, especially by private car. Para 4.7.8 states that development in the countryside should be located within and adjoining settlements where it can be better accommodated in terms of infrastructure, access, and habitat and landscape conservation. As mentioned previously, the site is not adjoining the settlement limit being separated from the edge of the village by the side garden area of Boundary House and by a triangular area of land which is currently used as a paddock for keeping horses.

6.3.3 Given the small contribution the development would make to the overall supply of affordable housing in Wrexham, the unsustainable location of the site and the materially detrimental impact the development will have upon the character and appearance the area, the lack of a 5 year housing land supply is not sufficient to justify departing from UDP policies in this instance.

7.0 CONCLUSION

7.1 The site is in an unsustainable location and the residential development of this greenfield land would have a detrimental impact upon the character and appearance the area. The proposals do not accord with any of the limited circumstances that permit small scale residential development on land outside of the settlement limit, and there remain insufficient grounds to warrant departing from UDP policies in this instance, despite the lack of a 5 year housing land supply in Wrexham. The Council therefore respectfully requests that this Appeal be dismissed.

8.0 RECOMMENDATIONS

8.1 Should this appeal be allowed, I would suggest that the permission is made subject to the following condition:

8.1.1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

Reason - To comply with Section 91(3) of the Town and Country Planning Act, 1990.

8.1.2 The development shall only be carried out in strict accordance with the details shown on the approved drawings numbered FO34/003 Rev A, FO34/004 Rev A and FO34/005 Rev E, and as contained within the application documentation.

Reason - To define the scope of the planning permission

8.1.3 The vehicular parking and turning areas as shown on approved drawing number FO34/005 Rev E shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

Reason - To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

8.1.4. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.

Reason - To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

8.1.5. The site shall be developed for a maximum of 1 no. single storey dwellings.

Reason - In the interests of highway safety and the visual amenities of the area.

8.1.6 There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.

Reason - In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.

8.1.7 Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.

Reason - To ensure that no deleterious material is carried onto the highway, in the interests of highway safety.

8.1.8 Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 56 metres to the south and 2.4 metres x 33 metres to the north measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction above the level of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

Reason - To ensure that adequate visibility is provided at the proposed point of access to the highway.

8.1.9 No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.

Reason - In the interests of highway safety.

8.1.10 No part of the development shall commence until a scheme for the protection details of the ditch/pipe fronting the development site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use except in strict accordance with such details as are approved.

8.1.11 No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;
- ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation.

Reason - To ensure satisfactory drainage of the site and to avoid flooding.

8.1.12 No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 8.1.11. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.