
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/12/17

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 12.01.2018

Appeal Decision

Site visit made on 18/12/17

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

an Inspector appointed by the Welsh Ministers

Date: 12.01.2018

Appeal Ref: APP/H6955/A/17/3187309

Site address: Greenacres, Erbistock, Wrexham, LL13 0DW

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 Jim Humphrys against the decision of Wrexham County Borough Council.
 - The application Ref ERB P/2017/0444, dated 24 May 2017, was refused by notice dated 21 July 2017.
 - The development proposed is an "Outline application to erect 1 dwelling with garage within garden area".
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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 concise.
3. The application is submitted in outline with all matters reserved for later determination. The submitted details indicate the possible layout and broad parameters of the proposed development. There is sufficient information provided to deal with this appeal on this basis.

Main Issue

4. The main issue in this appeal is whether the proposed development would provide a suitable site for housing having regard to the principles of sustainable development and planning policies that seek to strictly control new development outside of settlement boundaries.

Reasons

5. The appeal site forms part of the curtilage to a dwelling known as Greenacres, and is located in gently undulating open countryside within a scattered rural community
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known as Erbistock which has no defined settlement limit. Greenacres lies at the junction of two minor rural roads and is separated from other dwellings in the locality either by roads or agricultural fields. The site is located within a Special Landscape Area as designated in the adopted Wrexham Unitary Development Plan (UDP).

6. 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. However, other appropriate locations outside settlements cannot be discounted and these have to be weighed against national advice supporting sustainable development as detailed in Planning Policy Wales Edition 9 (PPW).
7. Policy PS1 of the adopted Wrexham Unitary Development Plan (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 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 to development maintaining the existing settlement pattern and character, being integrated with the existing transport network to help reduce the overall need to travel, and encouraging the use of alternatives to the car. Policy H5 of the UDP permits new dwellings outside defined settlement limits in a number of limited circumstances such as where it comprises infilling, subject to policy GDP1; in this respect policy GDP1 seeks, inter alia, to ensure that development is located where it has convenient access to public transport facilities and is well related to pedestrian and cycle routes whenever possible, and secures the development of sustainable communities through the economic, social and environmental well-being of the area.
8. Policies PS1, PS2, PS3, PS4 and H5 broadly reflect the stance taken in PPW, and advice as contained within Technical Advice Note 6: Planning for Sustainable Rural Communities, insofar as they relate to the control of new housing in the countryside in line with sustainability principles.
9. The appeal site does not lie within any defined settlement limits and is located in open countryside; its development for residential purposes would therefore run contrary to policies PS1.
10. In terms of policy H5 the appellant does not satisfy any of the criteria that permit dwellings outside of defined settlements boundaries; in particular, in terms of criteria relating to infilling, the explanatory text to policy H5 defines infilling as the development of no more than two dwellings in a small gap within a well-developed built frontage. Based on my observations whilst on site, it is clear to me that the site does not lie within a well-developed built frontage due to the degree of separation between it and nearby development. In visual terms these gaps separating the appeal site from other development, maintain the open rural character and appearance of the area. In addition I do not consider the proposed development of the site would fall within paragraph 9.3.2 of PPW as it does not constitute infilling, nor does it belong to any identifiable group.
11. Erbistock is a scattered hamlet that appears to cover a wide area of countryside. The appellant points out that the Erbistock community supports a church, a public house and a village hall, however the extent of services provided is extremely limited, and spread out over a relatively wide area, and therefore I consider the site is not particularly sustainably sited in terms of access to services.

12. Technical Advice Note 18: Transport refers to promoting housing development in locations with good access by walking and cycling to schools, whilst PPW refers to locating development so as to minimise the demand for travel, especially by private car. I am not aware that the site is well placed in terms of proximity or ease of access to services such as schools without the aid of the private cars, whilst the roads in the general area are overwhelmingly unlit and without public footpaths and therefore unlikely to promote more sustainable modes of travel such as walking.
13. PPW seeks to locate development so as to minimise the demand for travel, especially by private car; this approach is reflected in part by policy PS4 of the UDP. In sustainability terms I consider the Erbsitock area is extremely limited as regards services and facilities available for future occupants of the development, and I am not aware that the site is well placed to sustainably access services or facilities in the wider area.
14. The appellant alludes to the site being served by public transport in the form of buses, however he has provided no indication of the exact nature of such services; whilst on site I was not aware of bus stop facilities in the vicinity of the appeal site. Reference is also made to the railway station in Ruabon, however this is a significant distance away from the site. Any occupants of a dwelling on the site are highly likely to rely on the private car as a means of travel to adequately cater for their general day to day and long term needs; consequently I consider the proposal runs contrary to local and national planning policies that seek to minimise the demand for travel and the use of the private car. I appreciate the proposed development may reflect the loose scattered form of development in the locality, however when policy PS4 is read in its entirety it is clear the proposal runs contrary to it and national planning policies that seek to minimise the demand for travel and the use of the private car.
15. I have previously found that the proposed development does not accord with policies PS1 and H5 of the UDP in terms of new housing in the countryside. Policy PS2 of the UDP states, inter alia, that development must not materially detrimentally affect the countryside or the quality of the natural environment. Furthermore 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; it would therefore detrimentally affect the countryside contrary to policy PS2 of the UDP and national planning policy as contained within PPW.
16. In terms of policy PS3 the appellant argues the site constitutes underused land; in this respect the proposal in broad terms appears to comply with the policy, however any modest benefit in reusing the land as proposed is heavily outweighed by the significant harm to the wider aims of sustainability as advocated in other UDP policies and PPW.
17. Consequently the proposal is in conflict with local and national planning policies that in broad terms seek to control development in the interests of sustainability. 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 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 development¹.

18. 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 a single dwelling would only provide very modest benefits in terms of the contribution it would make to overall housing land supply. However any modest benefit of the proposal in terms of the contribution to housing land supply, or for that matter any other benefit put forward by the appellant, does not outweigh the significant shortcomings of the proposal and its conflict with local and national planning policies which seek to promote sustainable development and control the location of new residential development in the countryside.
19. The appellant refers to the cumulative contribution such development would make in terms of housing land supply, however for the reasons previously given such development needs to be sustainable in the wider sense which clearly is not applicable in this instance.
20. The occupiers of the dwelling may be likely to strengthen and sustain the local community by using facilities such as the public house. In this respect the scheme would help to enhance the vitality of the local community. However, the contribution one dwelling would make to the vitality of the community and support it would give to local services would be very modest; I therefore attribute limited weight to any economic or social benefits in regards to sustaining the vitality of the local community.
21. In support of the proposal the appellant has raised a number of other decisions that have been permitted by the Council in rural locations. I do not have the full details of those schemes and therefore cannot be certain that the circumstances are the same. In any event I have considered the appeal proposal on its own merits.
22. The appellant claims the land could be subject to incidental development via permitted development rights. That may well be the case, however I have no substantive evidence before me that there is a high probability that this would occur in this instance, or that it would have any greater impact on the countryside than the proposal for a dwelling and separate garage. In any event, any permitted development of the site would not outweigh the significant harm identified.
23. Pulling the threads of the above together, the proposed development would not provide a suitable site for housing having regard to the principles of sustainable development and planning policies that seek to strictly control new development outside of settlement boundaries.

Conclusion

24. For the above reasons I conclude that the proposed development would be contrary to local and national planning policies that seek to promote sustainable development. After taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal should be dismissed.

¹ PPW paragraphs 4.2.2, 4.2.4, 4.2.5

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

25. 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