

**Land east of Tan y Bont, Main Road,
Rhosrobin, Wrexham**

Grounds of Appeal

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1.0 INTRODUCTION

- 1.1 A planning appeal is made in response to the refusal of planning permission made by Wrexham County Borough Council to planning application P/2016/0189. The decision was made at Planning Committee on the 6th March 2017 (the decision date).
- 1.2 The description of development is as follows:

"Outline application for residential development (up to 189 dwellings) with all matters reserved except for access"
- 1.3 The reason(s) for refusal is as follows:

"The site lies outside of a settlement limit and within a Green Barrier. The development will result in the coalescence of Wrexham and Old Rhosrobin and significant harm to the openness of the Green Barrier separating Old Rhosrobin and Pandy. The development is therefore contrary to policies PS1 and EC1 of the Wrexham Unitary Development Plan".
- 1.4 This statement sets out the appellant's grounds of appeal, to be read in conjunction with the information set out on the appeal form.
- 1.5 It is submitted that this proposal is of an appropriate scale and of a complex nature to justify a public inquiry. Further details are set out on the appeal form. The expectation is that a statement of common ground, inquiry statement and written statements of evidence will be submitted as part of the process and in accordance with a scheduled timetable.
- 1.6 The list of application documents, either submitted with the application or subsequently as part of the determination process, are as follows:

Application Pack:

1. Location Plan
2. Scoping Request & Opinion
3. Environmental Statement (main text)
4. Non-technical summary
5. Illustrative Masterplan / Development Framework
6. Highways - access preliminary designs
7. Heritage Statement (inc appendices)

8. Landscape and Visual Impact Assessment (inc appendices)
9. Flood Consequence Assessment (inc appendices)
10. Phase 1 Prelim. Risk Assessment and Minerals Resource Assessment (inc appendices)
11. Transport Assessment and Draft Travel Plan (inc appendices)
12. Noise Assessment (inc appendices)
13. Tree Survey & Preliminary Tree Constraints / Impact Assessment Plan
14. Agricultural Land Quality Report (inc appendices)
15. Utilities Assessment
16. Code for Sustainable Homes Pre-Assessment
17. Phase I Ecology Survey & Assessment (inc appendices)
18. Planning Statement
19. Design & Access Statement
20. Air Quality Assessment (inc appendices)

Additional documents:

21. Updated Illustrative Masterplan
22. Updates to Heritage Statement (including Framework Management Plan for Scheduled Ancient Monument)
23. Confirmation of removal of objection by Cadw
24. Supplemental Highways reports / documents
25. Supplemental Drainage documents
25. Confirmation of removal of objection by Wrexham Highways
26. Design & Access Statement addendum

2.0 SITE AND CONTEXT

- 2.1 The site is located approximately 2 km north of Wrexham town centre, adjacent to the A483 that bounds the main conurbation of Wrexham to the north and west.
- 2.2 The site is currently accessed via a vehicle access point/gate located upon the B5425 (Main Road). The site is generally rectangular in plan, with orientation from SW to NE. The total site measures 15.78 ha (39.02 acres), 6.31 ha (15.59 acres) of which is to be developed upon. The site is located at grid reference Easting 333150, Northing 352630.
- 2.3 The site is bordered to the NW by the main single Railway line between Shrewsbury and Chester, to the SW and SE national road network, the B5425 (Main Road) from Wrexham to Rhosrobin / Llay and A483 (dual carriageway) from Wrexham to Chester respectively. The current land use is principally permanent pasture and grassland, with areas of scrub.
- 2.4 The land is bordered by residential development on three sides (North, East and South).
- 2.5 The site is well related to a number of local service centres such as Pandy, New Rhosrobin, Little Acton and Croes Eneurys. These centres provide the full range of local services and facilities inclusive of schools, shops, post office, public houses, community hall, churches, recreation facilities etc. All local service centres are easily accessible by means of transport other than the private car, e.g. pedestrian links, cycle links and frequent local bus service.



3.0 PLANNING APPLICATION TIMELINE

2014 APPLICATION

- 3.1 A previous application on the site (application no. P/2014/0876), for residential development of up to 338 no. dwellings, was submitted on 26.11.14. This application was submitted subsequent to an extensive pre-application enquiry process, during which the principle of development was supported at Officer level, subject to development management criteria. At the request of the Council the full extent of the land (15.78 ha) was put forward in the application, with the view in favour of comprehensive development as opposed to piecemeal.
- 3.2 The application was refused at Planning Committee on 05.10.15, in accordance with Officer's recommendation. The three reasons for refusal are summarised as follows:
- Green Barrier policy
 - Highway Safety
 - Impact upon scheduled ancient monument (Wat's Dyke)

2016 APPLICATION

- 3.3 The planning application that is the subject of this appeal was submitted to Wrexham Council on the 19.02.16. The application was refused on the 6th March 2017 in accordance with the Officer's recommendation. The single reason for refusal is as follows:

"The site lies outside of a settlement limit and within a Green Barrier. The development will result in the coalescence of Wrexham and Old Rhosrobin and significant harm to the openness of the Green Barrier separating Old Rhosrobin and Pandy. The development is therefore contrary to policies PS1 and EC1 of the Wrexham Unitary Development Plan".

- 3.4 The applicant and agent sought to work closely with the Local Planning Authority throughout the extended determination process to resolve any issues. This is evident in that the previous reasons for refusal on highways grounds and impact upon a scheduled ancient monument (SAM) were not present on the 2017 refusal. More detailed background to this will be provided within the Inquiry Statement and Written Statements of Evidence.

- 3.5 Further documents were also submitted in respect of Drainage and Highways to address consultee responses. This resulted in all development management items being satisfactorily addressed.
- 3.6 Due to the fact that there are no reasons for refusal, other than those referencing policies PS1 and EC1 of the UDP, it is therefore concluded that the proposed development is not deemed contrary to any other policies within the Unitary Development Plan.

COMMITTEE REPORT

- 3.7 The considerable need to increase the supply of land available for housing in the County Borough is fully acknowledged by the Council in the committee report. However it is the Council's view that the impact upon the Green Barrier would outweigh this need for housing. Our response regarding the Green Barrier (EC1) and defined settlement limits (PS1) is addressed in the grounds of appeal chapter.

"There must be very exceptional circumstances to grant individual planning applications for housing development in Green Barriers. It is clear there is a considerable need to increase the supply of land available for housing in the County Borough. In appropriate cases this could be considered to be a very exceptional circumstance sufficient to outweigh the Green Barrier designation. However the importance of the site in the context of the Green Barrier it lies within must also be carefully considered".

"Whilst I acknowledge that the contribution the development can make towards housing land supply is a significant benefit, as would be the provision of up to 47 affordable houses, the development will significantly and detrimentally impact upon the openness of the Green Barrier and result in the coalescence of Wrexham and Old Rhosrobin as well as a significantly eroding of the existing gap separating Old Rhosrobin and Pandy. I do not consider housing land supply issues constitute the very exceptional circumstances to set aside the Green Barrier objections to the development in this instance".

4.0 GROUNDS FOR APPEAL

- 4.1 With reference to the reason(s) for refusal, the key grounds of appeal are as follows:
- The proposal would provide an appropriate site for housing having regard to planning policies which seek to strictly control new development outside settlement boundaries and within the Green Barrier.
 - The proposal protects the character and appearance of the area and enhances land designation strategically.
 - The proposal would provide a good level of affordable housing to meet strategic demand in the locality.
 - The proposal would provide positive measures to protect and enhance a scheduled ancient monument.
 - Deliverability.
- 4.2 In consideration of the above, the following key issues provide appropriate support.

5-YEAR HOUSING LAND SUPPLY AND LOCAL PLAN POSITION

- 4.3 PPW requires local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. It is our understanding that the Council acknowledges that under the provisions of TAN1: Joint Housing Land Availability Studies (JHLAS) it has a statutory duty to monitor housing land supply on an annual basis in the form of a JHLAS. However, in accordance with para. 8.1 of TAN1 (Jan 2015), the Council acknowledges that it is unable to demonstrate whether it has a 5-year housing land supply because the UDP plan period has expired. At para. 6.2 of TAN1, it advises that the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with national planning policies. In this regard, as Policy PS1 of the UDP was worded on the basis of population projections and housing allocations at the time of its adoption, the inability of the Council to now demonstrate a sufficient supply of land means that the requirements can no longer be met within existing defined settlements. As such Policy PS1 is out of date and can therefore now only be afforded limited weight.

- 4.4 In the absence of an up to date UDP or an adopted Local Development Plan (LDP), in accordance with latest Welsh Government guidance on JHLAS, TAN1 (Jan. '15), there is no requirement for a Local Authority to produce a JHLAS and in such circumstances the authority is considered to have a zero land supply. It is submitted that this is the case at Wrexham County Borough Council.
- 4.5 A Planning Inspector held a series of hearing sessions during the early part of 2012 as part of the Examination into the Wrexham Local Development Plan. During the sessions the Inspector identified a number of issues with the Plan, principally in respect of the housing supply figures proposed by the Council (considerable shortfall) and the associated restrictive strategy on the location of future development and the impact upon the delivery of affordable housing.
- 4.6 Given the fundamental changes that would have been required to address the fundamental issues, it was recommended that the Plan be withdrawn. This is the approach that has been taken by the Council.
- 4.7 Selected fundamental concerns are summarised as follows:
- A significant shortfall in the supply of housing and the associated conflicting Plan strategy to confine general housing to within settlement boundaries.
 - A failure to take reasonable steps to secure an appropriate supply of affordable housing.
 - A failure in the Plan to respond to its own evidence base.
- 4.8 It was accepted at the hearing that there was no reason to believe that the character of the County was such that it could not accommodate any expansion of settlements.
- 4.9 The Council accepts that delivering the scale of housing suggested by the Inspector would require allocating sites outside settlement limits. Accordingly the previously pursued strategy of confining development to within existing settlement limits requires reconsideration.
- 4.10 TAN 1 provides guidance on the preparation of Joint Housing Land Availability Studies (JHLAS).
- 4.11 The purpose of these studies is to monitor the provision of market and affordable housing, provide an agreed statement of residential land availability for development planning and control purposes; and set out the need for action in situations where an insufficient supply is identified.

- 4.12 The Wrexham JHLAS indicates that there is not a 5 year supply of housing within the Wrexham area. Paragraph 6.1 of TAN 1 (situations where supply is below 5 years) explains that:

"Where the current study shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies.

In addition, local planning authorities must take steps to increase the supply of housing land. This may include reviewing the development plan, releasing land in its ownership, expediting planning applications or securing the provision of infrastructure for particular sites, which prospective developers may be prepared to finance in whole or in part.

The local planning authority must include a statement in the JHLA study outlining the measures it is taking to address the shortfall in housing land supply."

- 4.13 Hence, despite being outside the current development boundary, it is submitted that the planning application at Main Road, Rhosrobin should be considered in the context of the presumption in favour of sustainable development in line with Planning Policy Wales. On this basis the scheme will assist in delivering houses within the framework of TAN 1 and national planning policies.

- 4.14 In order increase the supply of housing land, particularly in the short term, the Council must grant planning permission for residential development. Notably, the Wrexham County Borough Council Joint Housing Land Availability (JHLAS) Study for 2013 acknowledges that this is the only viable alternative to increase housing land supply in the short term. The document states at paragraph 3.5 that:

"The Council will give appropriate consideration to any applications that may be submitted for residential development outside of existing settlements. It must be stressed, however, that the Council cannot guarantee that any such applications will be approved simply because they contribute to the land supply. The need to increase the 5-year supply will not override the need to take account of all other planning constraints and material considerations. Any applications will be carefully considered on their own individual merits together with the potential contribution that such development can make to the overall housing land supply"

- 4.15 The application seeks to assist in the increase in the supply of housing land within the Wrexham County Borough area in line with the requirements of Planning Policy Wales and TAN 1.

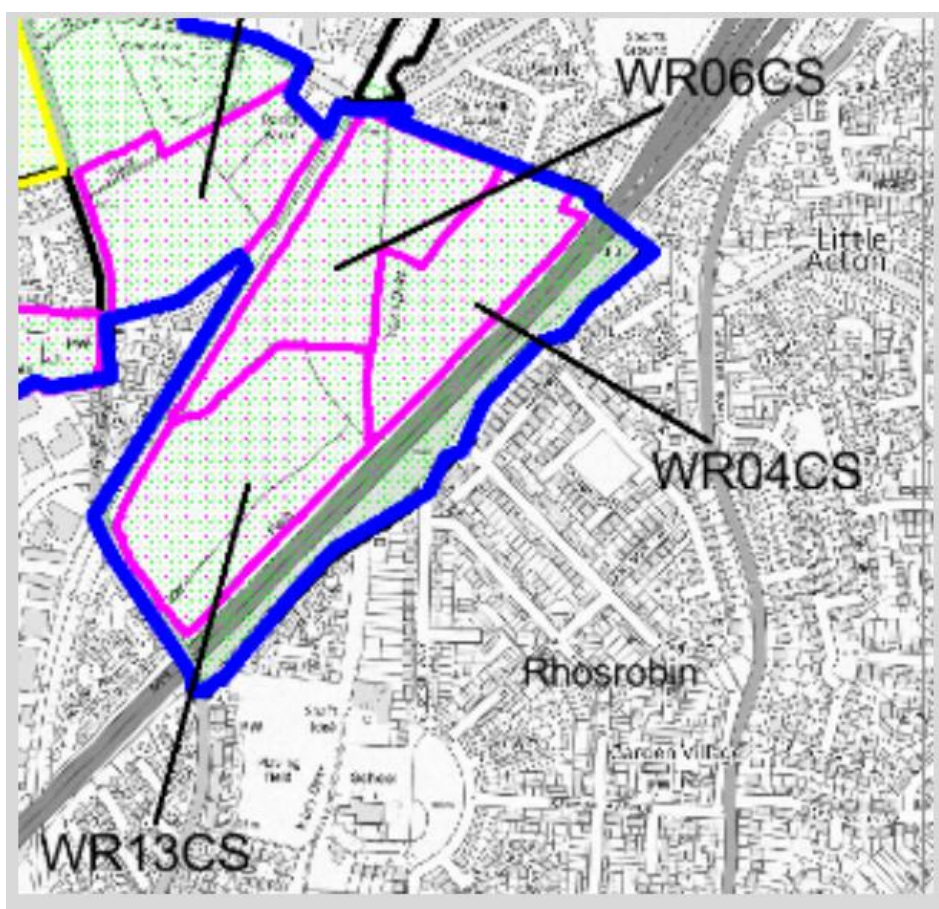
GREEN BARRIER

- 4.16 Green Barrier policy is intrinsically linked to the Council's position on 5-year housing land supply and the emerging strategic policies that will be pursued by the Council through the emerging Local Plan. Wrexham Council are in a position where a 5-year housing land supply cannot be demonstrated, and to address the Inspector's recommendation on housing numbers for the emerging Local Plan period, the Council are undertaking a full review of the Green Barrier across the Borough, with the view that currently designated areas will be released to satisfy new housing allocations. Hence, when challenged at appeal, the Council must confirm or otherwise whether the land in question is due to be released from the Green Barrier on an individual basis, as part of their review process.
- 4.17 The Council stated at Committee that it is not the role of individual planning applications to determine whether or not land should be released from the Green Barrier and where this should be. However the preparation of the emerging Local Plan has already taken a considerable length of time. It would not be premature to make a decision on the application and Green Barrier designation now, given the fact a Green Wedge (Barrier) Review has taken place.
- 4.18 As all development management items have been addressed, it is consider that the only item which remains to be addressed is that of the Green Barrier designation, Policy EC1. This position is expected to be reiterated in a statement of common ground with the Council.
- 4.19 Green Barrier is not a permanent designation. Wrexham Council are undertaking a Green Barrier (Wedge) Review in light of the fact that there are not enough housing sites available in non-Green Barrier locations. A Key Evidence Base Document in the preparation of the emerging Local Plan is the Strategic Green Wedge Review Stage 1.
- 4.20 It is our understanding that the Council's Preferred Strategy for the emerging Wrexham Local Development Plan (LDP) acknowledges that the required increase in housing delivery will mean that greenfield sites on the edge of existing settlement limits will be need to be developed to accommodate new growth, which in turn acknowledges amendments to the boundary of the current green barrier designation.
- 4.21 Indeed, the Council states within Chapter 5 from the Preferred Strategy Consultation Document 2016 states:

"Our own evidence base demonstrates that we have a limited supply of deliverable brownfield sites remaining within existing settlement limits across the Borough and this is a diminishing resource. It will be necessary

therefore to bring forward greenfield sites on land adjoining existing settlements in the most sustainable locations to address the identified housing and employment land needs over the Plan period. This will be the case regardless of the levels of growth”.

- 4.22 It is submitted that, in light of the above comment, the local authority must ensure that the shortfall in the supply of housing land is addressed and that the maximum figure of new homes over the course of the plan period sought.
- 4.23 Accordingly the previously pursued strategy of confining development to within existing settlement limits requires reconsideration and the only viable option going forward is allocating sites outside the settlement limits, and on greenfield and green barrier sites.
- 4.24 In Wrexham the largest Greenfield areas of land capable of accommodating new housing lie immediately adjacent to its North West settlement boundary. It is submitted that this area has the greatest potential to accommodate new residential development of the scale required to address the significant shortfall in housing land supply.
- 4.25 The appeal site has been considered during Stage 1 of the Strategic Green Wedge Review as part of 'Area 4 - Land between Bradley, Rhosrobin and east of Gwersyllt'. The appeal site is split into candidate sites WR04CS, WR06CS, WR13CS. For the purposes of the Green Wedge Review and due to the characteristics of the area, the Council considered it most appropriate to assess the 3 sites forming this section of Area 4 in combination, however we are of the opinion that this is an incorrect assessment and in fact the three candidate sites should be reviewed in isolation as each has very different characteristics.



Map extract showing Area 4: Land between Bradley, Rhosrobin and east of Gwersyllt Candidate sites - WR04CS, WR06CS, WR13CS

- 4.26 We do not consider it appropriate for these candidate sites to be grouped together in this way when assessing the value of the Green Barrier for Area 4. The relationship and impact upon the Green Barrier clearly differs when the 3 sites are assessed individually. It is clear that WR13CS is the most favourable site out of the 3 in terms of relationship with the existing built form and minimal impact upon the Green Barrier; this site is the only part of the overall appeal site that is proposed for built development.

Site Attributes

- 4.27 The site (WR13CS) represents a logical extension to Wrexham and is in a sustainable location. The site is considered to represent an ideal urban extension scenario, currently surrounded on three sides by existing housing development.
- 4.28 Indeed the Council have stated in the Stage 1 Strategic Green Wedge Review: **"Overall development of the site would appear to be a logical rounding off of the urban form"**.

- 4.29 The site is bound by the A483 (to the south), the B425 (to the west), the Wrexham – Chester railway line (to the north) and Wat's Dyke (to the east). These boundaries will serve to restrict future expansion. The Council have also stated **"the railway line could form a new boundary should the site be developed, which would serve as a defensible boundary"**.
- 4.30 Overall, it is submitted that the site no longer meets many of the purposes of 'green wedges' as set out in Planning Policy Wales, section 4.8 – a position repeated to a certain extent by the Council.
- 4.31 The overall conclusion for Area 4 within the Green Wedge Strategic Review states:
- "Whilst the LDP Preferred Strategy has not identified individual sites beyond the proposed Key Strategic Sites, consideration will need to be given to the candidate sites in this area. In order to take these factors into account, it is recommended that the overall principle of retaining the green wedge in the area is appropriate; however amendments to the designation will be necessary should candidate sites be deemed appropriate for inclusion at Deposit LDP stage".*
- 4.32 It is clear that amendments to the Green Barrier designation in the area are required should consideration should be given to the candidate sites in Area 4.

LANDSCAPE AND VISUAL IMPACT ASSESSMENT

- 4.33 An LVIA was completed in support of the application, which provides a more detailed assessment of the impact upon the landscape and also Green Barrier. This document sits alongside the Council's Strategic Green Wedge Review in determining the characteristics of the site and surrounding area and suitability for development
- 4.34 In summary, the assessment states:
- "The proposed development of the site would not have a significant impact upon the national, county or local landscape character. Some poor quality, urban fringe land would be lost to development in the southern half of the site, which would extend the urban edge of Rhosrobin westwards, beyond Main Road. However, such an extension has already taken place at Churchlea and Olivet Gardens, immediately north of the site, and the proposed development would not extend any further west than either of these settlements. On completion, the development would sit comfortably alongside these existing housing estates and round off the urban edge of Rhosrobin. The retention of a green barrier to the north east of the site*

would ensure the permanent separation of Pandy and Rhosrobin and maintain key characteristics of the local landscape such as a the defined field structure, Wat's Dyke and scattered mature trees".

"In conclusion, significant impacts of the proposed development on the landscape and views are localised and limited to within the immediate vicinity of the developed area of the site. Mitigation by effective initial design and the overall layout goes some way to ensuring that most visual effects are minimised. Significant long term benefits to the landscape could also be provided by effective landscaping in and around the site and as such would not preclude the development of the site for residential purposes".

- 4.35 A more detailed analysis of the appeal site and the visual impact upon the character and appearance of the area, most notably the role the Green Barrier serves in this locality, will be put forward as part of detailed statements as part of the Inquiry procedure.

RELEASE OF LAND AND DELIVERABILITY

- 4.36 Wrexham Council are currently considering the release of two Key Strategic Sites from the Green Barrier for development. Within Appendix 5 from the Preferred Strategy document, these are outlined as being:
- KSS1: Lower Berse Farm, Ruthin Road, Wrexham
 - KSS2: Land to the east of Cefn Road including land to the south of Holt Road and Bryn Estyn Lane, Wrexham
- 4.37 The strategic consideration of these sites demonstrate that the Council are supportive of the release of land from the Green Barrier. The fundamental flaw in the Council's approach though is that they are placing themselves in a compromising position by putting "all their eggs in one basket", not dissimilar to their approach in the original LDP1, which was fundamentally dismissed by the Inspector. Aligned with this it is submitted that, in consideration of the strategic sites from a site attributes, ownership, constraints perspective they are undeliverable.
- 4.38 A more detailed analysis of the strategic release of land from the Green Barrier and deliverability of sites will be put forward as part of detailed statements as part of the Inquiry procedure.

ENHANCEMENT OF SCHEDULED ANCIENT MONUMENT (WAT'S DYKE)

- 4.39 A section of a scheduled ancient monument, Wat's Dyke, traverses the site north-south. Scheduled Monument (DE151) forms only a short part of a much more extensive archaeological feature. The dyke is believed to have formed a physical boundary between two territories during the 8th century.
- 4.40 The monument is not currently under any management scheme and is in a generally poor state of preservation. Although much of the embankment is covered with turf which is serving to reduce erosion, the invasive actions of mature tree roots and burrowing animals along with focused erosion through the footfall of both horses and people have and continue to damage the remains. Overall the monument is in need of urgent works to stabilise and improve its condition.
- 4.41 Extensive dialogue has taken place with Cadw over the course of the application, to the point of agreeing a Management Plan for the protection and enhancement of the SAM on the appeal site. Control over the implementation of the Management Plan would be intrinsically linked with the proposed development on the appeal site.
- 4.42 A more detailed analysis of how the proposal would provide positive measures to protect and enhance a scheduled ancient monument will be put forward as part of detailed statements as part of the Inquiry procedure.

5.0 PRECEDENT APPLICATIONS / APPEALS

- 5.1 Whilst planning appeals and applications are considered independently and on an individual basis, there are several recent decisions made under similar circumstances in the Wrexham area that act as strong precedent, and are evidence of the strong requirement for new housing in the borough. The comparable attributes of these sites are the Green Barrier designations and outside of settlement boundary locations. A table displaying the sites is set out on the following page.

Land East of Tan y Bont, Main Road, Rhosrobin, Wrexham | 14/08/2017
Grounds of Appeal

Planning Reference	Appeal Reference	Proposal	Site Address	Date	Decision
P/2015/0790	N/A	Outline Application for Residential Development (up to 56 no. dwellings) with Associated Works	Boozey Field Off Griffiths Road, Old Mold Road, Gwersyllt, Wrexham, LL11 4YF	Decision: 12/01/2017	Approved
P/2014/0262	N/A	Outline Application For The Erection Of 20 Dwellings And Formation Of New Vehicular And Pedestrian Access From Chestnut Court	Land South Of Chestnut Court, Summerhill Road, Summerhill, Wrexham LL11 4SP	Decision: 06/02/2015	Approved
P/2014/0905	APP/H6955/A/16/31 47116	Outline application for up to 365 dwellings and erection of 300 square metre retail unit - all detailed matters reserved	Home Farm, Gresford Road, Llay, Wrexham LL12 0NW	Decision: 05/10/15 Appeal: 26/06/2017	Refused Approved

P/2013/0545	APP/H6955/A/15/31 35739	Outline Application For Redevelopment Of Land For Proposed Mixed Use Development Of Up To 300 (Use Class C3) Residential Dwellings, 465Sqm (Use Class B1, B2 And B8) Business, Industrial, Storage And Distribution Units, 235Sqm (Use Class A1) Retail, E	Land At Former Site Of Hafod Tileries, Hafod Road And Bangor Road, Johnstown, Wrexham, LL14 2SP	Decision: 16/06/2015 Appeal: 14/11/2016	Refused Approved
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Boozey Field, Gwersyllt

- 5.2 This application was approved at committee without an appeal. The committee report states that there would not be an unacceptable impact upon the openness of the Green Barrier due to the characteristics of the site and defensible boundaries. Crucially the report also states:

*"Even if the proposed development were considered to be inappropriate development, **the lack of a 5 year land supply is a very exceptional circumstance and the proposed housing would make a significant contribution towards meeting this need that clearly outweighs any harm that the proposed development would do to the Green Barrier.** Paragraph 4.8.15 of PPW states that these very exceptional cases can therefore be treated as departures from the plan".*

- 5.3 It goes without saying that sites are assessed on an individual basis, however there are clear comparables between Main Road, Rhosrobin and the application at Boozey Field. The committee report acknowledges that the significant need for new housing can outweigh any harm that a development would do to the Green Barrier.

- 5.4 Main Road, Rhosrobin and Boozey Field both feature clear defensible boundaries that would prevent further encroachment into the Green Barrier.

- 5.5 The Committee report concludes by saying:

"Whilst representing a departure from some of the policies of the adopted UDP, the development of the site is justified in this instance as contributing to the 5 year land supply whilst at the same time being in a sustainable location and providing an acceptable form of development".

Summerhill Road, Wrexham

- 5.6 The Committee Report for the application is comparable to that of Boozey Field, in stating:

"Loss of Green Barrier / Agricultural Land: *I accept that here must be special circumstances to justify the release of Green Barrier Land for development. In this particular case the pressing need for additional housing is, in my opinion, a valid reason for giving favourably consideration to the release of appropriate sites for residential development".*

- 5.7 The report then goes on to say:

"Many of the settlements in the County Borough that can be considered sustainable places are either partially or wholly bounded by Green Barriers. It will therefore be difficult to significantly increase the supply of housing land if the current UDP policies, including Green Barrier designations, are strictly adhered to in every case".

Home Farm, Llay

- 5.8 This site is not located within the Green Barrier but is outside the defined settlement boundary of Llay. The application was recommended for approval by the planning officer but was refused by Councillor's at committee, essentially based on the following, as stated by the planning inspector in the appeal report:

"the case, in essence, goes no further than a complaint about built development on greenfield land beyond the settlement boundary. The argument rests on Gresford Road being the logical boundary to development and that settlement boundaries should remain static and once a boundary is established that is the boundary for all of time".

- 5.9 The application was then approved at appeal. There was a large amount of common ground between the appellant and the Council due to the officer's recommendation for approval.

- 5.10 **Paragraph 227** of the appeal report states:

"There is a considerable and pressing need to increase the supply of housing in Wrexham County Borough. In the circumstances, I consider that the scheme's important contribution to addressing the present significant shortfall in the supply of housing, including affordable housing, is a consideration that attracts considerable weight".

- 5.11 Similarly **Paragraph 228** states: *"The conflict with the development plan arises from the site's location outside the defined settlement boundary (UDP Policies PS1 and H5). However, the development plan (the UDP) is out of time and the current settlement boundaries were drawn in response to meeting the housing target of the UDP. As such they can be regarded as out of date and afforded significantly limited weight. The Council accepts that these settlement limits will have to be breached to meet future housing need as part of the emerging LDP, but given the early stage of the LDP there is no prospect of a plan led solution to increase housing land supply any time soon. In any event, the envisaged contribution of the proposed development to the supply of housing is a significant material consideration which is of sufficient weight to justify departing from the development plan".*

Hafod Tileries, Johnstown

5.12 This application represents a similar situation, albeit at a part Brownfield site within the Green Barrier. Again the same arguments are presented by the planning inspector at appeal.

5.13 **Paragraph 180** of the appeal decision states:

"The proposed development would not accord with Policies PS1 and H5 of the UDP which seek to contain development within settlement limits. However, the Council accept these settlement limits will have to be breached to meet future housing need. I have afforded significant weight in favour of the proposal in regards to the Council's lack of a 5 year housing land supply. In addition I have also afforded significant weight in favour of the proposal's reuse of PDL which forms the overwhelming majority of proposed built development on the site. In addition the proposal would provide 60 much needed affordable homes. For these reasons, even though the proposed development when considered in its entirety would be contrary to the relevant policies of the UDP, I consider it would provide a suitable site for housing and other mixed uses having regard to the principles of sustainable development as advocated in PPW, outdated planning policies that seek to control new development outside of settlement limits, lack of a 5 year supply of housing land, and the PDL nature of the site".

6.0 CONCLUSIONS

- 6.1 This appeal is in respect of a refusal of planning permission for residential development of up to 189 dwellings with all matters reserved except for access at land east of Main Road, Rhosrobin, Wrexham.
- 6.2 Land off Main Road, Rhosrobin is a readily deliverable site and has already received interest from national housebuilders. The proposal is not speculative and would present the local planning authority with a well-considered sustainable form of development that supports their strategic vision.
- 6.3 The proposal would provide an appropriate site for housing having regard to planning policies which seek to strictly control new development outside settlement boundaries and within the Green Barrier.
- 6.4 The proposal protects the character and appearance of the area and enhances land designation strategically.
- 6.5 The proposal would provide a good level of affordable housing to meet strategic demand in the locality.
- 6.6 The proposal would provide positive measures to protect and enhance a scheduled ancient monument.
- 6.7 The proposal is deliverable.
- 6.8 Despite being outside the current development boundary, it is submitted that the planning application at Main Road, Rhosrobin should be considered in the context of the presumption in favour of sustainable development in line with Planning Policy Wales. On this basis the scheme will assist in delivering houses within the framework of TAN 1 and national planning policies.
- 6.9 The Local Planning Authority does not have a five year housing supply. As such it is considered that policy relating to Green Barrier and settlement boundaries can be afforded less weight. The Green Barrier designation of the site and settlement boundary (policies PS1 and EC1) form the sole grounds of contention with Wrexham Council.
- 6.10 Wrexham Council have acknowledged that there will need to be some Green Barrier release in order to supply adequate land to meet housing demand. The site represents the most favourable site within Area 4 of the Strategic Green Wedge Review that has been undertaken by the Council.
- 6.11 Land off Main Road, Rhosrobin represents a situation where the significant contribution the application would make towards meeting the shortfall in

housing requirement outweighs the little harm that the development would cause the Green Barrier.

- 6.12 It is considered that there are exceptional circumstances that justify residential development at the site, as such, it is respectfully requested that this planning appeal is allowed and planning permission be granted.

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