
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/07/17

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15.08.2017

Appeal Decision

Site visit made on 17/07/17

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

an Inspector appointed by the Welsh Ministers

Date: 15.08.2017

Appeal Ref: APP/H6955/A/17/3174704

**Site address: Land Adj. to Nant House, Lane From A528 to Nant y Lladdron,
Erbistock, Wrexham, LL13 0DD**

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 Brereton against the decision of Wrexham County Borough Council.
 - The application Ref ERB P/2017/0137, dated 9 February 2017, was refused by notice dated 21 March 2017.
 - The development proposed is an "Outline application to erect 1 No. detached dwelling".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the site address varies slightly between that given on the planning application/appeal form to that stated on the Council's decision notice. The description as given on the planning application form is more accurate and it is on this basis that I have determined the appeal. In addition the description of the proposed development differs slightly on the planning application/appeal forms 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.
3. Both parties in their submissions have made reference to Local Planning Guidance Note No. 13 Housing in the Countryside (LPGN13). The appellant's version of LPGN13 was adopted in 2006, whilst the Council's version updated the initial adopted version in 2011. The advice contained in the updated version does not materially alter the advice in so far it pertains to the identified main issues. I therefore do not consider any prejudice would arise in my dealing with this appeal on the basis of the updated LPGN13.

Main Issues

4. The main issues in this appeal are:
 - whether the proposed development is justified in its rural location bearing in mind local and national planning policy and advice that collectively seek to control development in the countryside; and,
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- the effect of the proposed development on the character and appearance of the Special Landscape Area (SLA).

Reasons

5. The appeal site which forms part of a field is located in gently undulating open countryside adjacent to a minor lane that leads onto the A528. The western boundary to the field adjacent to the lane is denoted by a gated field access and high hedge, whilst the eastern boundary allows for expansive views of the countryside to the rear. To the immediate north of the site is a terrace of three dwellings known as Erbistock Mews, beyond which is a detached dwelling. To the immediate south is a detached dwelling known as Nant House, which is separated by an agricultural field from a number of other dwellings. The site is located within a SLA as designated in the adopted Wrexham Unitary Development Plan (UDP).
6. Policy PS1 of the UDP is strategic in nature and seeks to direct new development to within defined settlement limits. Policy H5 permits new dwellings outside defined settlement limits where, inter alia, it comprises infilling subject to policy GDP1. Policies PS1 and H5 broadly accord with Planning Policy Wales Edition 9 (PPW). 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.
7. 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 the Nant and the development either side of it. In visual terms these gaps separating the Nant from other development, maintain the open rural character and appearance of the area and results in distinct clusters of development along the lane, as opposed to a well-developed frontage.
8. LPGN13 supports and amplifies policy H5. It provides further assistance when considering infill proposals and states any gap, such as the proposed site, should be comparable in size and scale to the plots of adjoining properties. In this instance, whilst the site does reflect the depth of the Nant, it does not reflect its width, nor does it reflect the width and depths of the adjacent Mews properties whose curtilages it would extend well beyond.
9. The proposed development as such does not comprise infill development and therefore runs contrary to policy H5 and advice as contained within LPGN13.
10. Furthermore PPW states the countryside, in line with sustainability principles should be conserved and where possible enhanced for its own sake, and that new building in the open countryside that is away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. The proposed development would neither conserve nor enhance the countryside, and to my mind has not been justified in its rural location, consequently it is in conflict with national planning policy.
11. Concluding on this first main issue, the proposed development has not been justified in its rural location, and would run contrary to local and national planning policy and advice that collectively seek to control development in the countryside in the interests of sustainable development.

Character and Appearance

12. Policy EC5 of the UDP gives priority to the conservation and enhancement of the landscape within SLA's, whilst GDP1 seeks to ensure that development accords with the character of the site and makes a positive contribution to the appearance of the locality. When viewed from the roadside gate, the site has a pleasant open aspect that allows for views of the wider countryside beyond; it reflects the general character of the wider rural area. The proposed development would have an urbanising effect that would erode the rural open character and appearance of the area and result in an intrusive form of development that is significantly detrimental to the character and appearance of the area and the SLA. The proposed development therefore runs contrary to policies EC5 and GDP1 of the UDP.

Other Matters

13. The Council does not have a 5 year supply of housing land. The very modest benefit from the proposal in terms of the contribution to housing land supply does not outweigh the considerable conflict with local and national planning policies as referred to above.

Conclusion

14. For the above reasons I conclude that the proposed development is not justified under planning policies that seek to strictly control residential development in the countryside, and it would be harmful to the character and appearance of the SLA. After taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal should be dismissed.
15. 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