



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/03/17

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 25.04.2017

Appeal Decision

Site visit made on 14/03/17

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 25.04.2017

Appeal Ref: APP/H6955/A/16/3164444

Site address: Yew Tree Villa, B5130 from Pickhill Bridge to Park Cottage, Bowling Bank, Wrexham LL13 9RN

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 & Mrs J Hughes against the decision of Wrexham County Borough Council.
 - The application Ref ISY P/2016/0439, dated 15/03/2016, was refused by notice dated 10/06/2016.
 - The development proposed is outline planning permission for the erection of a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning permission for the erection of a single dwelling at Yew Tree Villa, B5130 from Pickhill Bridge to Park Cottage, Bowling Bank, Wrexham LL13 9RN in accordance with the terms of the application, Ref ISY P/2016/0439, dated 15/03/2016, and the plans submitted with it, subject to the conditions in the schedule below.

Procedural matter

2. The planning application is submitted in outline with all matters reserved for later determination. The illustrative plan shows the layout of the dwelling, access and parking, providing sufficient detail to determine the outline submission.

Main Issue

3. This is the effect of the proposal on the character and appearance of the area having regard to local and national planning policies that seek to strictly control new residential development in the open countryside outside settlement boundaries.

Reasons

4. The appeal site is the garden on the south side of Yew Tree Villa, which is situated adjacent to the B5130 and next to Saint Paul's Primary School, in Bowling Bank. Bowling Bank is not a settlement as defined in the Wrexham Unitary Development Plan (UDP) 1996-2011, but a string or ribbon of houses spread out along the highway. While the appellants contend otherwise that the collection of houses comprises a settlement in its own right, this has not been recognised as such in the spatial
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strategy of defining towns, villages and hamlets in the UDP. The UDP provides the rational basis for the spatial distribution of houses in the area. I do not consider that the collection of houses in the area could be considered as a settlement in its own right.

5. However, Policy H5 of the UDP allows limited housing outside settlement areas in the form of infill development. The policy allows other rural exceptions such as affordable housing and rural enterprise dwellings, but neither is argued here in this appeal. The policy explains that it is designed to prevent new housing in the form of isolated dwellings, the consolidation of sporadic groups, or the extension of ribbon development in the countryside as this would be detrimental to the visual quality and landscape character of the area. Infilling is defined as the development of no more than two dwellings in a small gap within a well-developed built frontage, but subject to environmental safeguards. Local Planning Guidance Note No. 13 *Housing in the Countryside* sets out that infill sites will be considered in relation to the number of units proposed, the size of the gap, the continuity of a developed highway frontage and the size of the group with at least 5 or more dwellings in a row.
6. Separating the appeal site and the school buildings are two agricultural accesses and a hedge. School buildings are built up to the boundary with the access. To the north of Yew Tree Villa are four houses built in a row. There is a gap between these and Yew Tree Villa comprising the garden of the appeal property. That gap is larger than the gap comprising the accesses between the appeal site and the school building. To this extent the gap between the site and the school building is visually smaller than the separation between the continuous frontages of buildings to the north of Yew Tree Villa, accepted by the Council as a developed highway frontage. I therefore consider that the infilling of the appeal site with one dwelling would comply with Policy H5, in terms of the gap, the size of the group and the continuity of the developed frontage.
7. I disagree with the Council that the school is visually detached from the part of the built frontage. The gap is not a visually important one, and could be filled in principle with curtilage buildings. To this extent the appeal garden is not isolated, would not form or consolidate a sporadic group or form a ribbon of development. The circumstances fulfil the requirements of the policy and its intended objectives and there would be no material harm to the intrinsic character and appearance of the countryside. UDP Policies GDP1 and PS1 would not be undermined given the compliance with Policy H5.
8. I conclude that the proposal would not harm the character and appearance of the area having regard to local and national planning policies that seek to strictly control new residential development in the open countryside outside settlement boundaries.

Conclusions

9. The UDP is outside of its plan period and the Council is unable to demonstrate a 5-year housing land supply as set out in paragraphs 8.1, 8.2 and 6.2 of TAN1¹. Where the UDP is outside its plan period the local planning authority has been unable to undertake a current study of its housing supply. As a result, 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

¹ Technical Advice Note 1 – Joint Housing Land Availability Studies

and national planning policies. I find the proposal compliant with the UDP Policies, and the development plan as a whole.

10. The presumption in favour of development in accordance with the development plan in Planning Policy Wales (paragraph 4.2.4) applies. The considerable weight to the lack of housing land supply also applies.
11. 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 Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.
12. I therefore conclude that the planning balance would be to allow the appeal.

Schedule of conditions

13. Since I intend to allow the appeal, I have considered the Council's suggested list of planning conditions. The Council indicates that a planning obligation would be necessary because the achieved visibility would cut across the gate, pillars and hedge of Yew Tree Villa. The appellants presently control that land but I consider a planning condition would achieve the same objective including a requirement that it is maintained thereafter. This would be necessary at the outline stage to secure implementation and could be the subject of further restrictions when the access reserved matters application is considered. The requirement for parking and turning in my view would be a matter relating to the access reserved matters as this could change in conjunction with modifications to the layout. The ecology condition mentioned in submissions was not offered as a draft condition, I have now included it, in line with the appellants submitted ecology report. The condition on drainage is also included.
14. The first three conditions are standard outline conditions. Condition 4 is needed in the interests of highway safety. Condition 5 is necessary to ensure the development does not pollute the local environment. Condition 6 is needed in the interests of ensuring that protected species and their habitats are safeguarded.
 - 1) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
 - 2) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 4) The reserved matters application shall provide vehicular access visibility splays of 2.4m by 56m in both directions measured to the nearside edge of the adjoining highway and shall be maintained free of any obstruction exceeding 1.05m in height for as long as the development exists.
 - 5) No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local

planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the dwelling house and retained in perpetuity.

- 6) No development shall commence until details of a scheme for reasonable avoidance measures for great crested newts has been submitted to, and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved scheme.

Iwan Lloyd

INSPECTOR