

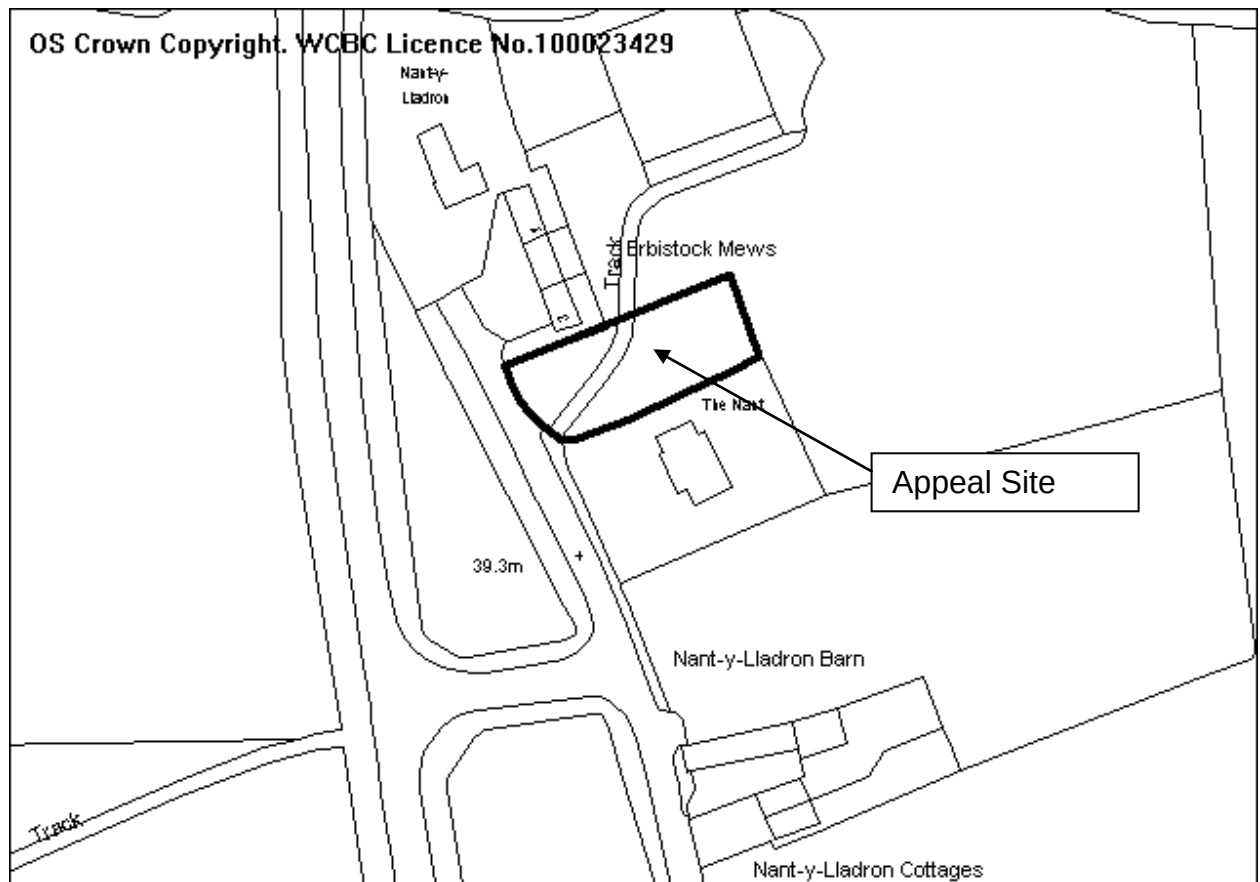
**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
LAND TO THE NORTH OF TO THE NANT, NANT Y LLADDRON
ERBISTOCK**

COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2017/0137

PINS REF: 3174704

1.0 THE SITE



2.0 PROPOSAL

- 2.1 The appellant is seeking outline planning permission for a single dwelling. All matters are reserved for subsequent approval.

3.0 RELEVANT PLANNING HISTORY

Land to the south of The Nant

- 3.1 P/2011/0110 Outline application for the erection of dwelling. Refused 28.3.11

4.0 NATIONAL PLANNING CONTEXT

- 4.1 Planning Policy Wales – in particular chapters 4 and 9.
- 4.2 Technical Advice Note 1: Joint Housing Land Availability Studies.

5.0 LOCAL PLANNING CONTEXT

5.1 The following policies of the Wrexham Unitary Development Plan are relevant to the appeal:

- PS1: Broad Location of Development
- GDP1: Development Objectives
- EC5: Special Landscape Areas
- H5: Housing in the Countryside.

6.0 THE COUNCIL'S CASE

Policy

6.1 The site lies outside of a settlement limit (as defined on the UDP proposals maps) and in open countryside where, in accordance with both PPW and UDP policies, residential development is strictly controlled. Policy H5 allows for limited housing development to take place outside of settlement limits but only where proposals are for:

- i) the conversion of suitable buildings;
- ii) the subdivision of an existing dwelling;
- iii) up to two dwellings on an infill plot;
- iv) small scale affordable housing schemes on sites adjacent to a settlement limit; and

6.2 The appellant's agent considers the site to be an infill plot. The Council does not agree. The dwelling The Nant is separated from Erbistock Mews to the north by part of a field and field access - the appeal site. It is also separated from Nant-y-Lladron Barn and Nant-y-Lladron Cottages to the south by part of a field. This results in there being a very clear degree of separation between The Nant and the development to the north and south of it. This degree of separation means that the appeal site does not appear as a small gap within an otherwise well-developed frontage and is therefore not an infill plot. Erecting a dwelling on the appeal site would instead result in the consolidation of distinct clusters of development which would prove harmful to the rural character of the site, the immediate locality and in turn the Special Landscape Area.

6.3 It is worth pointing out that the appellants were refused planning permission for the erection of a dwelling to the south of The Nant in 2011 because of similar concerns.

Housing Land Supply

6.4 Planning Policy Wales (paragraph 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 for housing.

6.5 In accordance with Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015), because the UDP plan period has now

expired Wrexham is unable to demonstrate whether it has a 5 year housing land supply or not. In such circumstances TAN1 (paragraph 6.1) 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 development plan and national planning policies.

- 6.6 In addition to the above, the emerging Wrexham Local Development Plan will need to make provision for around 8,460 new homes (this includes provision for a 10% contingency) to meet the housing needs of the County Borough over the 2013-2028 period. Taking into account existing deliverable supply this equates to a requirement for sufficient land to be brought forward for around 4,000 houses to be built. It is therefore clear that there is a need to significantly increase the supply of land available for housing in the County Borough. The Council accepts that the need to increase housing supply is a material consideration that weighs in favour of proposals for new housing development.

Weight afforded to policies PS1 and H5

- 6.7 The existing settlement limits reflect the housing requirements identified in the UDP that were informed by migration led projecting, using mitigation trends from 1996. The LDP housing requirements are informed by far more up to date information. The Council accepts that it will not be possible to meet the County Borough's future housing requirements without the release of greenfield sites and in light of this, policy PS1 is now outdated and therefore afforded less weight in the determination of planning applications.
- 6.8 Planning Policy Wales (paragraph 9.3.6) advises that new residential development in the open countryside away from established settlements should be strictly controlled. The limited circumstances set out in policy H5 under which new dwellings in the open countryside may be permitted is in general conformity with PPW (which allows for sensitive infilling – paragraph 9.3.2) and therefore can be afforded significant weight in the determination of this application.

Sustainability

- 6.9 The site is not in a sustainable location, being located a considerable distance from basic services and amenities. It is also not well served by public transport. The Council therefore does not consider it to be an appropriate location for residential development and as such the need to increase the supply of land available for housing in Wrexham does not, in this instance, provide sufficient reason to grant planning permission.

7.0 CONCLUSION

- 7.1 The site is located outside of a settlement limit and does not constitute an infill plot. The development will also have a detrimental impact upon the rural landscape - a designated Special Landscape Area. The appeal proposals are therefore contrary to UDP policies PS1, H5, GDP1 and EC5. The Council respectfully requests the appeal be dismissed.

Suggested list of conditions in the event of the appeal being allowed:

Condition 1

Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:

- a. the layout of the building(s)
- b. the scale of the building(s)
- c. the appearance of the building(s)
- d. the means of access to the site and building(s)
- e. the landscaping of the site.

Reason

To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)

Condition 2

Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.

Reason

To comply with Section 92 of the Town and Country Planning Act, 1990.

Condition 3

The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.

Reason

To comply with Section 92 of the Town and Country Planning Act, 1990.