

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
HOME FARM GRESFORD ROAD LLAY**

**WITNESS STATEMENT OF Matthew David Phillips BSc (Hons) MSc
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PLANNING REF: P/2014/0905

PINS REF: 3147116

THE COUNCIL'S EXPERT WITNESS

My name is Matthew David Phillips, I hold the degree of Bachelor of Science with Honours in Environmental Studies from the University of Wales and the degree of Masters of Science in Environmental Planning from Liverpool John Moores University.

I have been a Member of the Royal Town Planning Institute since April 2007.

I have been employed by Wrexham County Borough Council since January 2002. I was employed initially as a Planning Assistant from 2002 to 2004 and as a Planning Officer since 2004. I have recently taken up the post of Planning Control Lead.

I have line management responsibility for the Planning Control team and support the Planning Control Manager in the delivery of the Planning Control service. In addition I have a full planning caseload. I have extensive experience of dealing with a wide range of planning applications for major and minor developments, giving planning advice and representing the Council at planning appeals.

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1.0 PLANNING POLICY

1.1 Policy PS1 directs new development for housing to land within defined settlement limits. Policy H5 allows for housing development to take place outside of settlement limits through the conversion of suitable buildings, the subdivision of an existing dwelling, up to two dwellings on an infill plot, small scale affordable housing schemes on sites adjacent to a settlement limit and key rural worker housing. The appeal site is located outside of the settlement limit for Llay as defined within the UDP and none of circumstances referred to in policy H5 apply in this instance. The proposals therefore represent a clear departure from both policies.

1.2 The appellants contend that because the UDP plan period expired in 2011, policies PS1 and H5 are now outdated, are superseded by the Council's housing land supply position and should therefore be afforded little weight. I do not agree that this is the case. Planning Policy Wales (paragraph 2.8.4) advises that it is for the decision maker to determine whether the policies in an adopted development plan are outdated. I contend that the UDP policies can continue to be afforded significant weight despite the plan period having now expired.

1.3 The use of settlement limits in the UDP to control development and to direct it to the most appropriate locations is, in my opinion, an integral part of a settlement strategy. Planning Policy Wales (section 4.7) supports the use of settlement strategies and in that regard policy PS1

remains consistent with PPW so can therefore be afforded significant weight.

1.4 Planning Policy Wales (paragraph 9.3.6) advises that housing development in the countryside should be strictly controlled. Policy H5 is broadly consistent with PPW by stating that new housing outside of defined settlement limits **will only** be permitted where it complies with specific criteria. The limited exceptions to the otherwise strict controls placed on housing in the countryside that are set out in the policy are also broadly consistent with PPW and therefore this policy can also be afforded significant weight.

1.5 It is the Council's position that the key planning policy consideration in this case is not whether the UDP policies are outdated or superseded, but whether there are material considerations of sufficient weight to warrant departing from them.

2.0 HOUSING LAND SUPPLY

- 2.1 The UDP plan period expired in 2011 therefore the Council is not able to demonstrate whether it has a 5 year housing land supply or not. I recognise and accept that where a local planning authority is unable to undertake a Joint Housing Land Availability Study, Technical Advice Note 1 (paragraph 6.1) advises that the need to increase supply should be given considerable weight. The lack of a 5 year housing land supply therefore **may** be a material consideration to justify departing from UDP policies in appropriate cases. However it does not follow that permission should always be granted in such circumstances.
- 2.2 In this particular case, the Council has clearly concluded that the harm arising from the development is such that the need to increase the supply of housing land does not warrant departing from policies PS1 and H5. This is not simply case of rigidly upholding UDP policies, but a case of the Council considering each application on its own merits. The Council is well aware of the need for land to be brought forward for housing in the County Borough. Indeed the Planning Committee have accepted that, in appropriate cases, developments that depart from the provisions of the UDP should be granted in order to increase the supply of land available for housing. The Planning Committee have

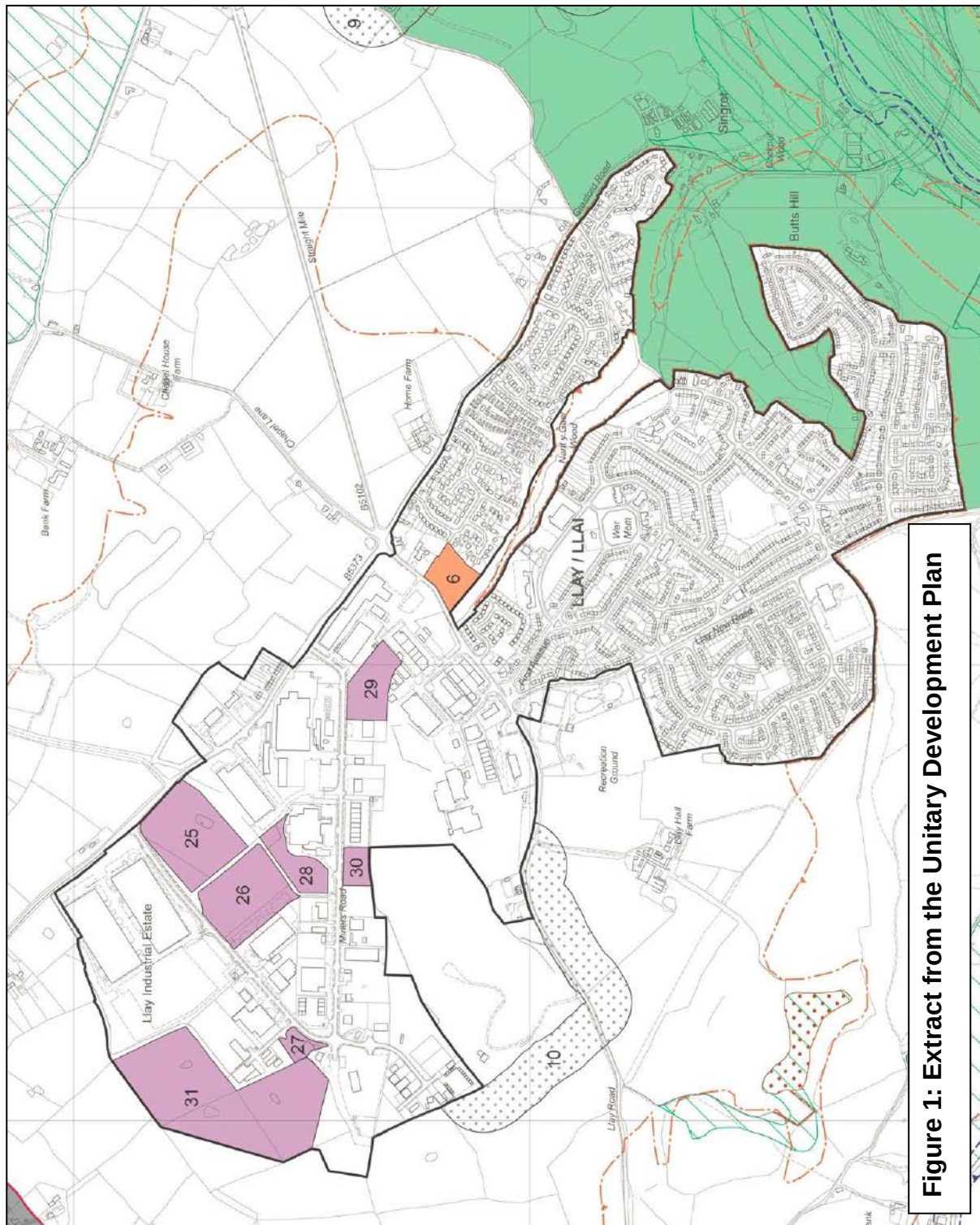
resolved to grant planning permission for a number of other sites that lie outside of UDP settlement limits. The sites are listed in appendix 1.

- 2.3 The Planning Committee were not incorrect to afford significant weight to the policies of the UDP, particularly as Inspectors have also done so when dismissing appeals against the Council's refusal of planning permission. See appendix 2. I appreciate that each of the appeal cases listed will have been considered on their own merits.
- Furthermore I also appreciate that five out of the six sites lie within the Green Barrier and the other lies within a Special Landscape Area so all are therefore subject to additional planning policy constraints that are not applicable to the appeal site. However it is nevertheless clear that Inspectors have concluded that UDP policies can continue to be afforded significant weight.

3.0 SCALE OF THE DEVELOPMENT AND IMPACT UPON THE COUNTRYSIDE

- 3.1 It is the Council's view that the proposed development is too great in size in proportion to the size of the existing village and does not represent a logical extension to the existing settlement.
- 3.2 The village currently consists of 1,880 dwellings (see paragraph 3.7 of the Statement of Common Ground), therefore the proposed development has the potential to increase the number of dwellings in the village by nearly 20%. The Council considers this to be too large an increase, particularly when the matters discussed below are taken into account.
- 3.3 The site lies on the north-eastern side of Gresford Road. The south-western side of Gresford Road is fronted by existing built development, predominately comprised of modern residential development dating from the 1970's and 1980's. The appeal site is primarily comprised of open agricultural land divided into 5 large fields by boundary hedges. The site surrounds Home Farm, a small cluster of buildings consisting of Home Farm farmhouse and a range of traditional agricultural outbuildings now in residential use. To the south-east of the appeal are the curtilages of the dwellings Maes Y Rhedyn and Y Bwthyn. Both dwellings are set within substantial grounds but form part of a loose cluster of development located on the north-western side of Gresford Road.

3.4 The existing settlement runs parallel to the south-western side of Gresford Road. Beyond the road junction immediately to the west of the site (known as 'The Crown crossroads') and with the exception of enclosing a cluster of residential and commercial development on the opposite side of the road, the settlement limit also runs parallel to the south-western side of Rackery Lane as far as the northern edge of the Llay Industrial Estate. An extract from the UDP proposals map is included on the following page to illustrate this.



3.5 Gresford Road forms a very clear and logical boundary between the existing built up area to the south-west of it and the countryside to the north-east of the village. The existing UDP settlement limit is clearly consistent with this.

Whilst there is some limited development on the opposite side of Gresford Road (as described in paragraph 3.3), this does little to alter the impression of Gresford Road being a very clear boundary between the existing built up area and the countryside beyond. Indeed the development on the opposite side of the road is arguably characteristic of a rural setting, comprising of a former farmstead and a loose cluster of sporadic development. The distinction between the existing built up area and the countryside beyond is clearly illustrated below.



Figure 2: Aerial photograph of Llay

3.6 The character and appearance of the appeal site i.e. open fields divided by boundary hedges, is broadly consistent with the general character of the landscape to the north, east and south-east of the appeal site. Indeed the appeal site is viewed in conjunction with and as an integral part of the rural landscape to the north-east of Llay.

3.7 The development would extend significantly beyond the existing built up area of Llay into the countryside to the north-east of the village - at its widest the north-eastern boundary of the appeal site is some 500 metres beyond the existing settlement limit. This is illustrated on the aerial photograph below.

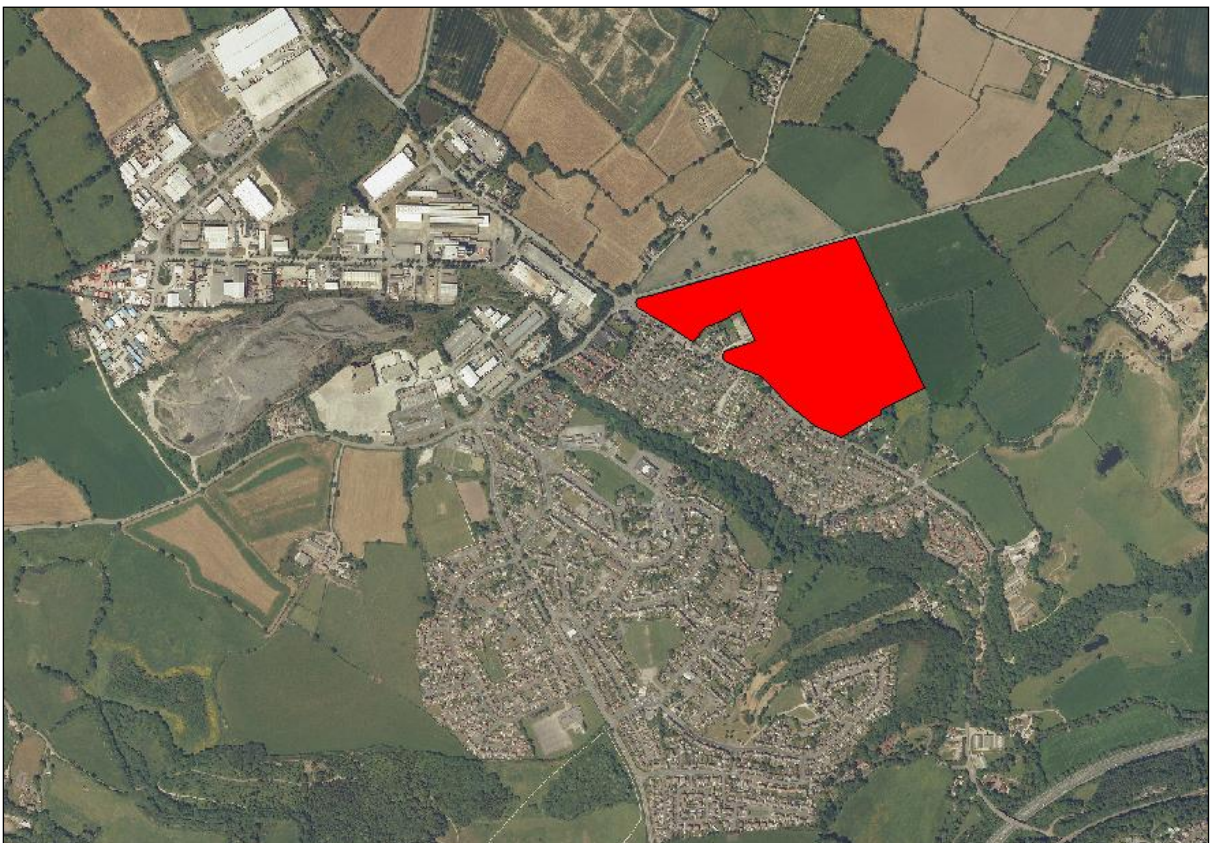


Figure 3: Aerial photograph of Llay showing location of appeal site

3.8 The Council contends that as Gresford Road forms a very clear boundary between the existing built up area and the countryside beyond, the proposed development will not form a logical extension to the existing settlement. The Council would consider a logical extension is one that fills in an existing gap between and/or does not extend into the countryside significantly beyond the edge of an existing built up area.

3.9 In June 2016 the Planning Committee resolved to grant planning permission for residential development on a 0.8 hectare site to the south of the Miners Welfare Institute in Llay (reference P/2016/0373 – see appendix 1). The indicative plan submitted with the application suggests the site can accommodate up to 18 dwellings. The site is approximately 600 metres away from the site subject to this appeal. It also lies outside of the settlement limit. The site is shown in figure 4 below.



Figure 4: Location of site subject to application P/2016/0373

3.10 The Committee's decision in respect of the above site clearly demonstrates that the Council is not opposed to additional development in Llay and that it is not trying to resist all development beyond the existing settlement limit. It is also arguably indicative of the scale of development that the Council considers appropriate for the village.

3.11 The above mentioned site is relatively self-contained being bounded by residential development to the south, by Llay New Road to the east and by the grounds of the Llay Miners Welfare to the north and west. Despite being outside of the settlement limit it does not represent a significant or harmful projection into the countryside and is therefore logical extension to the existing built up area.

- 3.12 The Council broadly accepts the findings of the appellant's Landscape and Visual Impact Assessment in so far as the impact of the development upon the wider rural landscape surrounding the village. However the appeal proposals will inevitably have a significant urbanising effect at site level.
- 3.13 If the site were developed, both sides of Gresford Road would be fronted by built development for a significant distance. Furthermore built development would be visible from the Straight Mile when approaching the Crown Crossroads. This is acknowledged in the appellant's Landscape and Visual Impact Assessment (see the Zone of Theoretical Visibility in appendix 4 of the Statement of Common Ground). The Council recognises that the indicative site layout plan provides for a landscaped buffer along the boundary of the site with the Straight Mile that is intended to limit this impact, but it will not fully compensate for the fact that the appeal proposals would result in a substantial built development being located in an area of open rural landscape. The clear distinction between edge of the existing built up area and the countryside beyond will be lost if the appeal proposals proceed.
- 3.14 It is the Council's opinion the appeal proposals will materially detrimentally affect the open rural landscape adjacent to north-east of the village, thus conflicting with policy PS2.
- 3.15 Due to the size of the proposed development, the degree of intrusion into countryside and the fact it is located beyond the clear and logical edge of the existing built up area, the harm caused by development is such that in this

instance, in the Council's opinion, it outweighs the benefits of increasing the supply of land available for housing.

- 3.16 In light of the above, the Council respectfully requests that the appeal be dismissed.

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APPENDICIES

Appendix 1: Sites with planning permission/resolutions to grant that conflict with UDP policies.

Appendix 2: Appeals that have been dismissed

