

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 11/09/15

**gan Iwan Lloyd BA BTP MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 10/11/15**

## Appeal Decision

Site visit made on 11/09/15

**by Iwan Lloyd BA BTP MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 10/11/15**

**Appeal Ref: APP/H6955/A/15/3129752**

**Site address: Willington Grange, Lane from Whitchurch Road to Willington Grange, Horseman's Green, Whitchurch SY13 3BZ**

**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 planning permission.
- The appeal is made by Mr Colin Evans against the decision of Wrexham County Borough Council.
- The application Ref HAN P/2015/0273, dated 10 April 2015, was refused by notice dated 26 May 2015.
- The development proposed is (Revised Application) Erection of a 3-bedroom detached dwelling and new vehicular access (revised siting and associated landscaping/wildlife pond).

## Decision

1. The appeal is dismissed.

## Main Issue

2. I consider the main issue is whether there are material considerations sufficient to outweigh any conflict with local and national planning policies that seek to strictly control new residential development in the open countryside outside settlement boundaries.
3. The Wrexham Unitary Development Plan (UDP) 1996-2011, adopted in 2005 is outside its plan period and as a result cannot demonstrate a 5-year housing land supply as set out in paragraphs 8.1, 8.2 and 6.2 of TAN1<sup>1</sup>. 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 and national planning policies. The lack of a 5-year housing land supply is a factor to be weighed in the overall planning balance.

<sup>1</sup> Technical Advice Note 1 – Joint Housing Land Availability Studies

## Reasons

4. The appeal site is situated on the junction of two roads, the road leading south-west travels through the hamlet of Horseman's Green and the road to the east passes Willington Grange towards the A525. Horseman's Green Farm lies adjacent to the junction on the road heading north towards the A525. The appeal is located outside the settlement boundary of Horseman's Green as defined in the UDP.
5. The appeal site is reported to be curtilage land of Willington Grange. Whether or not it is curtilage is relevant as to its status of previously developed land (PDL). It appears that trees have been planted and the grass has been mowed and yet it is separated from the driveway by fencing. The Council has produced as evidence a series of aerial images in 2000, 2006 and 2009 which show various stages of planting but also a demarcation between the land to the east and the appeal site. The Council also indicates that the original replacement dwelling for the property had not included the appeal site within the application site.
6. Whether or not this site could be regarded as curtilage cannot be conclusively presumed from its current or past appearance but by its use associated with the dwelling, and no evidence has been provided to give weight to its status as PDL. Even if it were PDL, not all PDL land is suitable for development as set out in paragraph 4.9.1 of Planning Policy Wales (PPW).
7. Having viewed the site from various points the development site would be a standalone proposal divorced physically from any other building in the vicinity. The degree of physical separation is such that it could not be easily read in conjunction with Willington Grange or Horseman's Green Farm. There is a sizeable gap between the appeal site and the start of the built-up area of Horseman's Green. I concur with the Council the proposal would appear in isolation. The open character of the countryside for which this site forms part would be seriously diminished and eroded, leaving other sites to come forward to the detriment of the intrinsic quality of the countryside. This development would undermine the policy of rural restraint where no justification exists for it at present, either as an essential rural enterprise dwelling, infill development or development that would be affordable housing to meet local needs.
8. Despite the appellant's landscape appraisal of the site the development would appear in isolation and sporadic out of context with the settlement pattern of the hamlet. Rather than fitting in seamlessly it would stand out as an urbanising feature in a very open and exposed part of the countryside. Existing and proposed landscaping on the site would not mitigate these adverse effects, nor would the proposal's modest scale and proportion. Paragraph 4.7.8 of PPW indicates that new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. This guidance applies in this case.
9. The lack of a 5 year land supply does not lead to a conclusion that the settlement boundary or the spatial distribution for growth in the UDP should be set to one side. The UDP planning policies on rural housing restraint aligned with its settlement boundary is still in force given their degree of consistency with PPW. TAN1 does not indicate that a shortfall in housing land supply would result in a development being allowed where it otherwise fails to comply with the development plan and national planning policies.

10. The appellant argues that Horseman's Green forms an integral part of a wider rural community which includes Hanmer (some 2.5km away), Penley (about 4km away) and Tallarn Green (some 4km away), and other settlements further afield - Overton-on-Dee, Bangor-is-y-Coed and Whitchurch. The appellant has provided a list of services and facilities available in these villages and their respective distance from Horseman's Green, together with the frequency of services and locations of public transport stops in the area. It is recognised that new development can help generate wealth and support local services, and ensuring that communities are sustainable in the long term, but the key question is whether the proposed development enhances or decreases the sustainability of the community, as set out in paragraph 2.2 of TAN6<sup>2</sup>. In my view, the development in all likelihood would be heavily reliant on the private car to access these services which are dispersed throughout these linked villages. The local bus service is not frequent, and the private car seems the only realistic option for the occupants of the proposed dwelling.
11. The development fails to score highly in relation to the social and environmental dimensions of sustainability. These are in relation to the locational aspects of the development – that is promoting a resource-efficient settlement pattern, the distribution of growth to those settlements which have relatively good accessibility and minimising or decreasing the demand for travel by private car. From an environmental dimension the proposal fails to assimilate with the character and appearance of the area and pattern and form of the hamlet.
12. Although the scheme has some favourable elements of environmental sustainability in relation to the proposed building's performance and construction, and in terms of promoting a sustainable drainage system and the creation of habitats and the provision of additional landscaping, these benefits are outweighed by the negative environmental factors set out above. From an economic perspective there would be short term benefits in the construction of the dwelling. In addition, Mrs Evans also works part-time in Hanmer's village store, and both have lived locally and over the years contributed to community services and facilities.
13. My overall conclusion on the issue of sustainability is that the proposal would fail on two of the three aspects contrary to paragraphs 4.1.4, 4.2.2, Figures 4.1 and 4.2 of PPW. The proposal also conflicts with UDP policies PS1, PS2, PS4, GDP1 and H5.

## Conclusions

14. The proposal's material considerations in favour of the development are not sufficient to outweigh the identified conflict with local and national planning policies. The lack of a 5-year housing supply is given considerable weight in favour of the development where it otherwise complies with the development plan and national policies. In this case the development does not comply and therefore less weight would be attributed to the contribution this development would make to housing land supply.
15. I conclude that the planning balance is against allowing the appeal.

*Iwan Lloyd*

INSPECTOR

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<sup>2</sup> Technical Advice Note 6 Planning for Sustainable Rural Communities