The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Gwrandawiad a gynhaliwyd ar 3/02/15
Ymweliad â safle a wnaed ar 3/02/15

gan Richard Duggan BSc (Hons) DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 9 Mawrth 2015

Appeal Decision

Hearing held on 3/02/15
Site visit made on 3/02/15

by Richard Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 9th March 2015

Appeal Ref: APP/H6955/A/14/2226862
Site address: Land South of Boundary House, Horseman's Green, Whitchurch SY13 3DY

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 Robert Forrester against the decision of Wrexham County Borough Council.
- The application Ref HAN P/2014/0421, dated 23 May 2014, was refused by notice dated 12 September 2014.
- The development proposed is described as "Outline application for two detached dwellings and garages."

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for later determination. I have dealt with the appeal on this basis, treating the conceptual plan as indicative.

Main Issue

3. This is the impact of the development on the character and appearance of the area.

Reasons

4. The appeal site is separated from the edge of the village by the side garden area of Boundary House and by a triangular area of land which is currently used as a paddock for keeping horses. The open fields on the edge of the settlement make a significant contribution to the rural setting of the village and form a distinctive edge to this part of Horseman's Green. Whilst the Council agrees that the Adopted Wrexham County Borough Council Unitary Development Plan (UDP) 2005 is out of date, it remains the statutory development plan for the area and there is no dispute that the appeal site lies outside the settlement boundary of the village as identified within the UDP.

5. In relation to the impact of the development on the local landscape character, the protection afforded to the countryside remains an important consideration within Planning Policy Wales and the policies of the UDP and that new development in such areas must continue to be strictly controlled.

6. Although the appeal site does not appear to be currently in use for the purposes of agriculture or forestry, it identifies closely with the agricultural land and natural landscape quality of the open countryside beyond its boundaries. I note the appellant's contention that the site is only separated from the settlement boundary by a narrow triangular paddock and that it is visually and physically distinct from the adjacent countryside due to the size of the field and the presence of hedges enclosing it. However, rather than separating the site from the countryside beyond, I consider that the gap maintained between the built form and the appeal site and open countryside beyond, represents an important visual transition from built-up to rural character and that the paddock is a fundamental landscape feature in such a setting.

7. I agree with the appellant that Horseman's Green has developed in a linear fashion along the road running through the village and very little in-depth development has taken place. Nevertheless, to develop the appeal site would extend the built form into an area of open field and it would extend the pattern of the built-up area out in a ribbon form. The appeal site has a greater affinity with a field on the fringe of the settlement than the built form of the village. This is because it has an open setting which is set apart from the residential development to the north, and the development of the site would be seen as an obvious encroachment in this context, and not viewed as a logical extension. The properties located further to the south than the appeal site are separate to the main part of Horseman's Green and are distinct from the appeal site, such that there would be limited physical cohesion between the proposed development and this small grouping of houses.

8. Consequently, the construction of two dwellings and garages at this location would have an urbanising effect that would erode the amount of open space at the edge of the settlement. The dwellings would be in a prominent position, visible from surrounding countryside and would be out of character with the countryside of which it is a part. This would undermine the sense of spaciousness and rurality and would also diminish the established boundary between the existing limit of development and adjoining open land. Therefore, the development would have a harmful impact on the character and appearance of the area contrary to Policies PS1, PS2, PS4, GDP1 and H5 of the UDP, and the requirements of Planning Policy Wales.

9. The appellant asserts that the sustainability of Horseman's Green is recognised within the UDP by its inclusion in the list of settlements with a settlement boundary. Whilst the village may have a development boundary, there are no facilities such as a shop, public house or employment opportunities found in the settlement, and there is limited public transport provision. Prospective occupiers of the dwellings would need to travel to Hanmer (approximately 2.4km away) and Penley (approximately 3.7km away) for essential services and facilities and it would be highly likely that these trips would be made using the private car.

10. The appellant has also referred to a shortfall in the supply of housing within the County Borough, and the Local Planning Authority (LPA) has stated that the 2013 Joint Housing Land Availability Study indicates a housing land supply of 3.4 years. Nonetheless, whilst small sites such as this can make a contribution, I do not consider that in this case such a contribution, or the need to increase the supply of land for

housing, would justify a development that would be contrary to the policies I have identified above.

11. I have had regard to all other matters raised, including the contribution the proposed dwellings would make to the level of lower cost housing in the village and the opportunity that this would give to younger people to live in the locality. However, I find nothing to sway me from my conclusion on the main issue above.

Other matters

12. The LPA confirmed at the hearing that the additional information relating to the detailed methodology for the translocation of Great Crested Newts from the site and protection from incidental capture and killing submitted at the application stage was assessed by the Council's ecologist. However, this information was not subject to further scrutiny or assessment by Natural Resources Wales (NRW) who have raised an objection to the proposal. In addition, the long-term maintenance and monitoring of the proposed mitigation area and the proposed receptor site were not fully addressed prior to the Council's determination of the planning application. In the absence of further information on this issue and the lack of additional consultation with NRW I am unable to conclude that the scheme would not have a harmful impact on nature conservation interests, with particular regard to the Great Crested Newt. In any event, this does not alter my findings on the main issue.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Richard Duggan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Parker BA(Hons) DipTP MRTPI	David Parker Planning Associates

FOR THE LOCAL PLANNING AUTHORITY:

Sharon Holman LLB LPC MCD	Development Control Planning Officer

INTERESTED PERSONS:

Keith Jones	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

DOCUMENTS

1. The Council's Letter of Notification of the appeal, dated 9 December 2014
2. Wrexham County Borough Council Joint Housing Land Availability Study 2013 (31 March 2014)
3. Planning History Documents