

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 10/09/14

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22 Medi 2014

Appeal Decision

Site visit made on 10/09/14

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22 September 2014

Appeal Ref: APP/H6955/A/14/2219284

Site address: Fairfield Farm, Barkers Lane, Borrass, Wrexham LL13 9TP

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 David Moore against the decision of Wrexham County Borough Council.
- The application Ref GRE P/2014/0094, dated 5 February 2014, was refused by notice dated 11 April 2014.
- The development proposed is erection of single detached dwelling.

Decision

1. The appeal is dismissed.

Preliminary matters and planning policy

2. The planning application is submitted in outline with all matters reserved for later determination. No information has been provided on layout and scale of the development as is required by Article 3 (3 and 4) of Part 2 of the relevant statutory instrument¹.
3. The appeal site is located in the green barrier to the north of the Llan-y-Pwll link road, and is situated in the countryside outside Wrexham. The site is situated adjacent to Barker's Lane which is now a cul-de-sac road a short distance to the west of the site, which was severed by the link road. Whilst located in the green barrier, the Council does not refer to the matter in its reason for refusal and statement other than listing the relevant green barrier policy EC1 of the Wrexham Unitary Development Plan (UDP). The Appellant does not refer to the matter either. Both parties consider the main disputed issues are, whether the development comprises infill development in the countryside under policy H5 of the UDP, and the effect of the development on highway safety.
4. However, national policy as set out in Planning Policy Wales Edition 7 July 2014 (PPW) indicates that when considering applications for planning permission in Green Belts or

¹ 2012 No. 801 (W.110) Town and Country Planning, Wales, The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

green wedges, a presumption against inappropriate development will apply. The construction of new buildings in a Green Belt or in a locally designated green wedge is inappropriate development unless it is, amongst other things, for the following purpose: limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under the development plan policies.

5. I shall deal with the appeal in relation to local and national planning policy on green barriers. No injustice should arise, as the parties have considered the question whether the development comprises infill development.
6. Policy EC1 does not expressly refer to infill as an exception to the constraint against development in the green barrier. It indicates that within green barriers development will only be granted permission if it is for agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain openness of the green barrier and do not conflict with the purpose of including land within it.
7. The term green barrier has the same meaning as a green wedge as set out in paragraph 4.8.1 of PPW. The reasoned justification for Policy EC1 of the UDP provides for a similar explanation of the term. A green wedge or similar local designation differs from that of a Green Belt, as the designation does not convey the permanence of a Green Belt and is reviewed during the development plan review process.

Main issues

8. Having regard to the fore-mentioned matters, I consider the main issues are:
 - Whether the proposal would be inappropriate development in the green barrier, and
 - Whether there are other considerations which clearly outweigh the harm to the green barrier, thereby justifying it on the basis of very exceptional circumstances, and
 - The effect of the proposal on highway safety.

Reasons

Green barrier

9. The development plan does not identify the development site and the collection of houses along this road as a candidate for limited infilling, as each site is considered on the basis of UDP policy H5 and the adopted Local Planning Guidance Note No. 13 (LPG 13) Housing in the Countryside. Policy H5 indicates that outside defined settlement limits new dwellings will only be permitted where, amongst other things, proposals comprise infilling subject to policy GDP1, which is a general development criteria based policy.
10. LPG 13 provides guidance on infill, and defines it as the development of one or two residential units in a small gap along a continuously developed highway frontage within a clearly identifiable group of buildings. Amongst other criteria, groups of buildings are considered as (5 or more dwellings) of buildings either in a row, on crossroads or in a cul-de-sac. LPG 13 indicates that field parcels separating the dwellings would not be appropriate as a small gap, nor would it likely be considered as a group.

11. In my view, there are significant gaps between dwellings along Barker's Lane even though they may contain some buildings, so as not to constitute a group for which infilling could take place. As a result, there is no continuously developed highway frontage for which there is a clear identifiable group. There are two sizeable gaps between what loosely could be considered as a frontage of five houses. The appeal site is an additional gap on top, and as a result, in my view, it is not an identifiable group of houses where infilling could take place. Whilst only guidance LPG 13 supplements policy H5, and is adopted by the Council, therefore can be afforded significant weight.
12. I accept the Appellant's point that Policy H5 does not define infilling or the threshold size of the group for the types of locations where infilling could take place. However, Policy H5 refers to GDP1 which includes matters of scale and layout, but also indicates that the Council will issue supplementary planning guidance. LPG 13 is sufficiently clear on the circumstances where infilling can take place, and when read as a whole, a continuous developed frontage and group size do refer to dwellinghouses as distinct from infilling between buildings used for other purposes. The Appellant also refers to PPW's guidance on infilling. However, infilling in this context is particular for affordable housing to meet local need and, in any event, indicates that much depends on the character and appearance of the surroundings.
13. For the reasons I have indicated, the proposal would not comprise infilling having regard to local and national planning policy.
14. Openness forms part of the consideration of proposals in the green barrier as set out in paragraph 4.8.12 of PPW and UDP Policy EC1. The Appellant refers to the possibility that the site would be part of the residential use of Fairfield, and as a fallback it would be permissible to park cars and site caravans on the land, and erect curtilage buildings. The Appellant argues that this prospect of development should be weighed against the proposal in terms of environmental damage.
15. However, as indicated no detail has been provided on the proposed scale and coverage of buildings that would take place should this appeal be allowed. The appeal site area is modest and a residential unit on the land would reduce the sense of openness to some limited degree. The question of whether the land is part of the residential use of Fairfield has not been conclusively determined, and I do not consider that the effects on openness would be similar or as significant as the proposed development. The harm to openness adds weight against the proposed development.
16. I consider the proposal fails to meet the limited circumstances set out in paragraph 4.8.16 of PPW and thereby conflicts with UDP Policies EC1, H5, GDP1 and guidance contained in LPG 13. As no other rural exception case has been made the proposal conflicts with UDP Policy PS1. Furthermore the development of the site would conflict with the purpose of safeguarding the countryside from encroachment contrary to UDP Policy EC1.
17. I conclude that the proposal represents inappropriate development in the green barrier. By definition, the harm identified by reason of inappropriate development in the green barrier is given substantial weight against the development.

Other considerations

18. The Appellant has not put forward a case that other considerations would clearly outweigh the harm to the green barrier by inappropriate development. I have considered the question of whether there would be harm in relation to openness.

Conclusion on green barrier

19. In my view, the balance of the argument which is purported to be in favour of the proposal does not clearly outweigh the harm to the green barrier and would not diminish the substantial weight against the development by reason of inappropriateness.

Highway safety

20. Traffic speeds are likely to be very low given that the road terminates a short distance to the west of the appeal site. Access is a reserved matter and there is already an established access at this point serving Fairfield. There is an option to connect to this established access should visibility be a concern, and therefore there is no impediment in the development on highway safety grounds. The Council has not provided evidence of a highway safety issue other than to indicate that visibility is not met. I do not consider that the proposal would harm highway safety in relation to UDP Policy GDP1.

Overall conclusion

21. Notwithstanding my favourable conclusion for the Appellant on highway safety this factor alone does not outweigh the substantial weight against the development by reason of inappropriate development in the green barrier. I therefore conclude that the proposal is unacceptable having regard to the strict control over development in the green barrier contained in national and local policies. For the reasons given above, and having regard to all other representations submitted, I conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR