

## Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 07/06/16  
Ymweliad â safle a wnaed ar 07/06/16

**gan Nicola Gulley MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 07.07.16**

## Appeal Decision

Hearing held on 07/06/16  
Site visit made on 07/06/16

**by Nicola Gulley MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 07.07.16**

**Appeal Ref: APP/H6955/A/15/3139131**

**Site address: Land south of Big Green Farm, Ellesmere Lane, Penley, Wrexham**

**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 R & C Homes Ltd against the decision of Wrexham County Borough Council.
- The application Ref MAE P/2015/0399, dated 22 May 2015, was refused by notice dated 20 October 2015.
- The development proposed is described as 26 dwellings with car parking, private amenity space and access to Ellesmere Lane.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

### Preliminary Matters

3. The description of the proposed development on the application differs from that on the appeal form. The appellant confirmed at the Hearing that the correct description of development is that contained on the appeal form and I will determine the appeal on this basis.
4. The adopted development plan for the area is the Wrexham Unitary Development Plan (1996 – 2011). I am advised that work has commenced on the preparation of the local development plan (LDP) for the County Borough for the period 2013 - 2028 and that a draft document will be placed on deposit in November and December 2016.

### Reasons

#### *Background*

5. The appellant contends that the Council is unable to demonstrate a 5 year housing land supply and that the proposal would assist in meeting the shortfall in provision and in the need for 11,715 new homes identified in the LDP Preferred Strategy.

6. Technical Advice Note 1- Joint Housing Land Availability Studies (TAN 1) (2015) paragraph 8.2, advises that local planning authorities (LPA) that do not have an adopted LDP or have a UDP that has passed its plan periods, such as Wrexham County Borough Council, will be considered not to have a 5 year housing land supply. In addition, paragraph 6.2 of the guidance states that where an LPA is unable to demonstrate a 5 year housing land supply the need to increase the supply of land will be given considerable weight when dealing with planning applications provided that the proposal would otherwise comply with the development plan and national planning policies. The Council accepts that it cannot demonstrate a 5 year housing land supply and that the emerging LDP indicates that there is a need for new housing development to take place in the County Borough. I will therefore give the need for new housing weight in this decision.

*Character and appearance*

7. The appeal site comprises 2.5 hectares of agricultural land located between the settlement of Penley and the outlying residential estate of Hillcrest. Penley has a range of services including a shop, schools and community facilities. The settlement has public transport links with the larger settlements of Wrexham and Whitchurch which offer a wider range of services. Although the settlement has been subject to considerable post war development the area around the appeal site retains much of its traditional rural character with low density houses laid out in a linear pattern along the lane and interspersed with mature trees, hedgerows and the pastoral lowland farm land characteristic of the English Maelor. Whilst there are exceptions to the development pattern I have described, most notably around the Hillcrest Estate, this does not undermine the predominant character of the area.
8. UDP Policies PS1, PS2, PS3, PS4, GDPL, H5 and EC5 seek to ensure that all new development is sustainable, located within defined settlement boundaries and respect the built and landscape character and appearance of the area. The appellant contends that: Penley is a sustainable settlement that has, and will continue to be, the focus of new development; the proposal is an opportunity for large scale infill development which would unit two parts of the settlement; and the proposal would have little visual impact on the character or appearance of the area. Furthermore, the appellant maintains that the SLA is a large-scale designation that does not accord with the requirements of Planning Policy Wales (PPW), Edition 8 (2016) because it is not based on an assessment of the area. In support of this, the appellant has presented a copy of the Inspectors' Preliminary Findings in respect of the emerging LDP which raises similar concerns in respect of housing need and the designation of SLAs.
9. The Council and local residents accept that Penley is a sustainable and that that additional growth will be required in the settlement. However, they contend that the proposal is outside the defined settlement boundary and in an SLA and as such would result in an illogical extension which would have an adverse affect on the character of Penley and the visual qualities of the surrounding landscape. In addition, local residents maintain that any future housing developments in the settlement should be on previously developed sites.
10. The development proposes the construction of 26 dwellings built at a density of 13 dwellings per hectare and, I am advised, would be set out around a central access road. Whilst I accept that the proposed development would make a contribution to meeting short term housing needs and note the appellants comments in respect of uniting Penley, I nevertheless consider that the arrangement of the proposed dwellings coupled with the high density of the scheme would result in an urban form

of development that would appear incongruous when viewed in conjunction with the existing, low density, linear development that characterises this part of Penley.

11. With regard to the SLA, I am mindful that the evidence presented by the Council, which includes an extract of the Wrexham Landscape Character Area Guidance (2007), supports the designation of an SLA in this area and that the Inspectors Preliminary Findings related to the approach to landscape protection in the emerging LDP and not the UDP. In this instance, the proposed development would occupy most of the undeveloped land between the residential properties on the western side of Ellesmere Lane and Tudor Drive. In doing so, I consider that the development would result the loss of an area of open land that forms an integral part of the character of the settlement and of the SLA and, as a consequence, have a detrimental effect on the character of the area and the visual qualities of the landscape.
12. In light of the above, I conclude the proposal would have an adverse impact on the character of the settlement and landscape qualities of the area and would conflicts with the objectives of UDP Policies PS1, PS2, PS3, PS4, H5, GDP1 and EC5.

### **Other Matters**

13. The appellant has provided details of two recently approved housing schemes at Tudor Drive and East of Ellesmere Lane, which it is suggested are similar forms of development to that proposed because they situated outside the defined settlement boundary and within the SLA. Based on the information provided and my observations on site, it appears that these are linear developments of 7 no. and 9 no. detached dwellings that are located adjacent to and opposite existing development. As such I do not consider that these developments directly parallel the circumstances of this appeal. I have in any case, determined the appeal before me on its own merits.
14. In addition, at the request of the local residents I visited sites at Penley Industrial Estate (North) and Tupa, Penley Hall Drive. Whilst I agree that, on the basis of the evidence presented, these sites appear to be previously developed and located close to existing residential and employment sites. The future use of the sites is not however, a matter for me but one for the Council to consider as part of the LDP process.
15. I note that as part of the application process that Council had requested the provision of 6.5 no. affordable houses and financial payments necessary to ensure improvements in the capacity of schools in the settlement, public open space and public footpaths. As part of the Hearing the appellant submitted a signed unilateral undertaking for proposal which satisfactorily addressed all of these requirements.

### **Conclusions**

16. In reaching my decision I have had regard to all the matters raised in support of the scheme including the existing use of the site. However, whilst I recognise that the proposal would make a positive contribution to the supply of new housing within the County Borough, this does not outweigh my concerns regarding the effect of the proposed development on the character of the area and the visual qualities of the SLA. For the reasons given above, I conclude that the appeal should be dismissed.

*Nicola Gulley*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Roy Evison	Appellant
Stuart Thomas, BA(Hons), MA, MRTPI	Planning Consultant, Appellant
Claire Edwards	R & C Homes

### **FOR THE LOCAL PLANNING AUTHORITY:**

Sharon Holman	Wrexham County Borough Council
Sean Hanratty	Wrexham County Borough Council

### **INTERESTED PERSONS:**

Clive Richardson	Local resident
John Griffiths	Local resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Council's Notification of Hearing
- 2 Unilateral Undertaking dated 6 June 2016.
- 3 The Inspectors' Preliminary Findings in respect of the Wrexham Local Development Plan.
- 4 Extract from the Candidate Site Register.
- 5 Wrexham Unitary Development Plan (2011) Policies PS1, PS, PS3, PS4, GDP1, EC5, H5 and CLF5.