

Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 26/07/16

Site visit made on 26/07/16

gan Joanne Burston BSc MA MRTPI
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 15/08/2016

by Joanne Burston BSc MA MRTPI
an Inspector appointed by the Welsh Ministers
Date: 15/08/2016

Appeal Ref: APP/Z6950/A/16/3149474

**Site address: Church Farm, Cowbridge Road, Ystradowen, Vale of Glamorgan
CF71 7SY**

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 Ms Paula Bailey against the decision of The Vale of Glamorgan Council.
- The application Ref 2015/00543/OUT, dated 8 May 2015, was refused by notice dated 6 April 2016.
- The development proposed is residential development comprising the erection of up to 25 dwellings together with associated access, services and landscaping (outline).

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline and the application form makes it clear that only access is to be determined at this stage. Plans submitted with the application entitled 'sketch scheme layout' and 'illustrative site layout plan' or illustrative only and accordingly I have treated them as such. I have determined the appeal on this basis.
3. A completed section 106 legal agreement has been submitted dated 22 July 2016. It would provide for various financial contributions to be made in the event that planning permission was granted. I have had regard to this document in my decision.

Main Issue

4. The main issues are: whether the proposal would be an acceptable form of development having regard to local and national policies relating to the countryside; the effect of the development on flooding and archaeology; and whether adequate provision has been made for infrastructure provision.

Reasons

Local and national policies to protect the countryside

5. The appeal site comprises an agricultural field, currently used as pony paddocks, which slopes down in a south-westerly direction from Cowbridge Road. To the north

of the appeal site is Church Farm with its associated stables and outbuildings, and a further detached property known as 'Ashwood House'. To the east of Cowbridge Road are a number of residential dwellings associated with the settlement of Ystradowen. To the south and west the appeal site is surrounded by attractive fields. From my observations, whilst the appeal site adjoins the edge of built development in Ystradowen, it is separated from it by a road, mature trees and hedging, therefore its character relates more closely with the network of fields to the west. Accordingly, the appeal site forms a soft landscaped edge to the village. For the purposes of planning policy, I share the Council's view that the site is located within the countryside.

6. Accordingly, Planning Policy Wales (Edition 8) and the Vale of Glamorgan Unitary Development Plan 1996 - 2011 (UDP) Policy ENV 1 place strict control over new development in the countryside. However, UDP Policy HOUS 2 gives favourable consideration to small scale development which constitutes 'rounding off' of settlement boundary edges and this approach is supported by PPW, which advises that sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Whilst the relevant UDP policies to this appeal are of some age, they remain in accordance with national policy in defining settlement boundaries to manage the location of new housing development and the policies are neither outdated nor superseded.
7. I have serious reservations about the impact of the scheme on the local landscape and the setting of the village. At present the appeal site is undeveloped and in agricultural / equestrian use, is located beyond the built-up area, and is clearly part of the countryside that borders this part of the village. In its current form I consider that the site makes an important contribution to the pleasant rural setting of the southern part of Ystradowen. The field is visible from a number of local roads and from farmsteads located in the hillside to the west. Consequently the site provides a soft and attractive edge to the village and positively contributes to the enjoyment and experience of those moving around the surrounding area. The existing development on the southern edge of this part of the village does not unduly detract from the important contribution that this field makes to local character.
8. The construction of up to 25 dwellings would substantially reduce the open nature of the field and suburbanise this edge of the village to an undesirable extent. In spite of any future landscaping I believe the new development would appear prominent from local viewpoints and cause unacceptable harm to the village's rural setting. In this context, 25 dwellings and associated paraphernalia such as vehicles, sheds, washing lines and garden furniture would intrude into the countryside setting and begin to urbanise this soft landscaped edge of the village. In particular I am concerned that the new access, visibility splays and signage would result in the removal of a number of trees, which would reduce the effectiveness of any screening from the east and north-east.
9. For these reasons the development would be harmful to the predominantly rural character and appearance of the area hereabouts, contrary to the objectives of PPW and UDP Policies ENV 1 and HOUS 2. The proposal would also conflict with the objective of UDP Policy ENV 10 to conserve and manage the countryside, and UDP Policy ENV 27 which aims to ensure, amongst other things, that new development has full regard to its local context.

10. Both the Council and the appellant has referred to the emerging policies within the Vale of Glamorgan Local Development Plan (LDP). However, as these are not yet adopted and subject to change I can only afford these policies limited weight.

Flooding

11. In determining planning applications paragraph 13.4.2 of PPW requires that development should not increase the risk of flooding elsewhere by loss of flood storage or flood flow route; or increase the problem of surface water run-off. PPW goes on to state that it is essential that the advice of Natural Resources Wales (NRW) is obtained and given due weight as a material consideration in determining planning applications. There must also be good reasons for not following the advice of NRW.
12. In order to try and address surface water flooding the appellant submitted a Flood Consequences Assessment, dated June 2015 (FCA). However, the Council's Principal Engineer (Coasts and Flood Risk Management) did not consider that the FCA fully addressed their concerns and considered that further clarification was required with regard to culverting, exceedance flows and the lack of a SUDs management plan.
13. From the evidence before me I consider that additional information is required to fully understand the flood risk prior to establishing the principle of development. It is not a matter which could be satisfactorily addressed by way of a condition as suggested by the appellant. In the absence of this information I find that the development would potentially have a detrimental effect on flooding in the area, contrary to PPW and UDP Policy ENV7, which states that development will be permitted where it would not be potentially at risk from flooding or increase the risk of flooding locally or elsewhere to an unacceptable level. Whilst the Council have referred to UDP Policy ENV27 'Design of new developments' I do not find it relevant to the issue of flooding.

Archaeology

14. There is evidence that the appeal site would have formed the original medieval village of Ystradowen given its close proximity to the church, however its exact nature and extent is unknown. Therefore, there may be significant archaeological features on the appeal site. PPW points out that *"If important remains are thought to exist at a development site, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken. The results of any assessment and/or field evaluation should be provided as part of a planning application"*.
15. Circular 60/96 advises that where important archaeological remains may exist, an archaeological field evaluation should be carried out before a decision on the application is taken. In this respect the appellant has undertaken a desk based assessment and a geophysical survey, which concludes that the site is of low potential. Additionally, given the results of the archaeological assessment on adjoining land, the results of which showed the presence of no below ground archaeology, I am satisfied that issues relating to archaeology could be dealt with by way of condition. Therefore the proposal would comply with UDP Policy ENV18 relating to archaeological field investigation.

Infrastructure provision

16. The appellant has provided an obligation under S106 of the Town and Country Planning Act 1990, dated 22 July 2016, which provides for contributions towards: affordable housing; community facilities; education; public art; public open space; and

sustainable transport. I do not need to discuss those matters further for the most part, in the light of my conclusions about the harm caused by the scheme in respect of the two main issues. The exception to this is where they provide a positive benefit to be weighed in the balance.

17. The S106 agreement, amongst other matters, includes provision for not less than 40% of the total number of dwellings to be built on the site to be affordable housing. Accordingly I acknowledge that the obligation provides a positive benefit which weighs in favour of the proposal in respect of affordable housing.

Other matters

18. The Council has accepted that in the light of Technical Advice Note 1 'Joint Housing Land Availability Studies' January 2015 (TAN1), that the Vale of Glamorgan is unable to demonstrate that it has a 5 year supply of housing land. Therefore, until the adoption of the LDP, and in preparation for the LDP examination, the Council is following the TAN 1 guidance by preparing an objective assessment of the Housing need.
19. The Council has provided me with the most recent objective assessment, which demonstrates a figure of 5.6 in the year 2016-17 and 6.1 in year 2017-18 with a projected steady increase to year 2021-22. Nevertheless, these figures have yet to be tested, or a conclusion reached via the LDP examination process.
20. Therefore, given the evidence before me the Council has not conclusively demonstrated that they have a five year housing land supply. Accordingly current deficiencies in housing land supply should be given considerable weight.
21. In reaching this conclusion I have had regard to decision ref APP/Z6950/A/15/3010121, brought to my attention by the Council. In that appeal the Inspector stated that "*As the Council does not currently have an adopted LDP or an adopted UDP within its plan period the Council cannot demonstrate a 5 year housing supply*". From all that I have seen and read I have no reason to disagree with this approach.

Planning balance

22. A balance must be drawn between the competing considerations of this proposal. On one hand the proposal would have the benefit of providing additional market and affordable housing in an area of shortage, whilst on the other hand it would cause significant harm to the character of the countryside and potentially increase flood risk. A lack of harm in respect of archaeology is a neutral factor in the final balance.
23. TAN1 guidance paragraph 6.2 states that considerable weight should only be applied "*provided that the development would otherwise comply with development plan and national planning policies.*" This is not the case here. In this appeal I have found that the proposal would not conform with the policies of the development plan and the objectives of PPW. As such I do not consider that the benefits in this case outweigh the identified policy objections.

Overall Conclusion

24. The proposal would be contrary to the development plan and there are no material considerations of sufficient weight to outweigh this harm. For these reasons, and having had regard to all other matters raised, the appeal is dismissed.

Joanne Burston

INSPECTOR

Richborough Estates