



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/05/17

gan Clive Sproule BSc MSc MSc
MRTPI MIEnvSci CEnv

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad : 16 Mehefin 2017

Appeal Decision

Site visit made on 16/05/17

by Clive Sproule BSc MSc MSc MRTPI
MIEnvSci CEnv

an Inspector appointed by the Welsh Ministers

Date : 16 June 2017

Appeal Ref: APP/H6955/A/17/3166936

Site address: Part of dismantled railway land to the rear of Briarswood and land off Main Road, Old Rhosrobin, Rhosrobin, Wrexham LL11 4YL

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 D.S. Holmes Builders Ltd against the decision of Wrexham County Borough Council.
 - The application Ref P/2015/0875, dated 13/11/15, was refused by notice dated 30/08/16.
 - The development proposed is an outline application for residential development of 50 dwellings.
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Decision

1. The appeal is dismissed.

Procedural matter and main issues

2. The planning application form confirms the appeal scheme to be an outline application with all matters reserved for determination at a later date.
3. Following consideration of the Council's reason for refusal and the representations in this case, I consider the main issues to be: (a) whether the appeal scheme would be inappropriate development within the Green Barrier; and if so, (b) whether any harm by reason of inappropriateness would be clearly outweighed by other considerations and if so, do very exceptional circumstances exist to justify the harm to the Green Barrier; and, (c) the effect on the character and appearance of the locality.

Reasons

Whether the appeal scheme would be inappropriate development

4. The appeal site lies within a 'Green Barrier' around this part of Wrexham that is the subject of Policy EC1 of the Wrexham Unitary Development Plan 1996-2011 – adopted February 2005 ('UDP'). Within Green Barriers, UDP Policy EC1 is only permissive of development for agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other land uses that would maintain the openness of the Green Barrier and would not conflict with the purpose of including land within it.

5. Planning Policy Wales – 9th edition ('PPW') notes that 'green wedges' and similar designations serve the same purpose as Green Belt, but do not convey the permanence of Green Belts. PPW is also clear that: when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply; substantial weight should be attached to any harmful impact that a development would have on a Green Belt or green wedge; and, inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm that such development would do to the Green Belt or green wedge.¹
6. PPW paragraph 4.8.16 states that the construction of new buildings in a Green Belt or locally designated green wedge is inappropriate development unless it would be for certain purposes. Given the scale and nature of the development proposed, the appeal scheme would not be for any of the 'purposes' listed in paragraph 4.8.16.
7. UDP paragraph 5.2 indicates the purposes of the Green Barrier to include: preventing coalescence of urban areas; assisting safeguarding the countryside from encroachment; protecting the setting of urban areas and villages; and, assisting urban regeneration by encouraging the recycling of derelict and other urban land. These purposes are comparable to those of a Green Belt,² and as such this Green Barrier is a form of locally designated 'green wedge'.
8. PPW confirms that: green wedges should only be retained where it can be demonstrated that normal planning and development management policies cannot provide the necessary protection; and, green wedge policies should be reviewed as part of the development plan review process. UDP policies are now outside the period for which their evidence base sought to provide for and as such, the UDP policies are out of date. Although the review process that might result in new development plan policies has yet to be completed, UDP Policy EC1 is consistent with PPW and the weight attributed to the policy reflects this.
9. The appellant highlights that the land is between transport routes or housing and industrial developments. However, it is a field in the open countryside and is linked to other parts of the Green Barrier, and it provides the characteristic openness that would be expected in a Green Barrier.
10. I found the appeal site, along with the rest of the land within the red and blue lines on the application's Location Plan, to form a clear break between development in Old Rhosrobin immediately to the south and New Rhosrobin immediately to the north, and Gwersyllt to the west. Although there is development on the opposite side of Main Road to the appeal site, it is a small area that sits within Green Barrier land, and the appeal site prevents the settlements and areas of existing development to the west of Main Road coalescing.
11. Openness in this location is apparent due to it having a visual element. In views across the appeal site, this break is emphasised by visual continuity to other open areas and vegetated hills to the west. These views include aspects that can be taken from the gated vehicular access to Main Road and that can be seen by local residents and highway users.

¹ PPW paragraphs 4.8.14 and 4.8.15

² As set out in PPW paragraph 4.8.3

12. By not developing the former railway line that is immediately to the north of the site, the appeal scheme would retain a gap between the proposed dwellings and New Rhosrobin. However the gap, which would be vegetated and the appellant estimates to be 25m across, would not be of sufficient scale to prevent the perceived coalescence of developed areas and settlements in this location. As such, the proposal would result in a significant reduction in openness in this location. In addition, much of the unbuilt highway frontage between Old Rhosrobin and New Rhosrobin would be lost.³
13. At present, the appeal site contributes to the Green Barrier's unbuilt openness in this location. Constructing the proposed dwellings on vegetated land that currently separates development would be harmful to the openness of the Green Barrier.
14. Given the circumstances of the site and the nature of the development proposed, the appeal scheme would not be an example of infill development or any other of the purposes set out in PPW paragraph 4.8.16 as not inappropriate development. Accordingly, the appeal scheme would be inappropriate development in the Green Barrier. It conflicts with UDP Policy EC1 and PPW, and substantial weight is attached to this harm to the Green Barrier.

Other considerations and whether very exceptional circumstances exist

15. In consulting on proposals for an emerging Local Development Plan ('LDP'), the Council recognises that increased housing delivery will require the development of green field sites on the edge of settlements. The Green Barrier land that includes the appeal site has been the subject of a review that is part of the ongoing LDP process. The review concluded that '*...Overall it is considered that there is justification for the retention of the green wedge designation in this location...'*. The LDP process includes opportunities for representations to be made for and against the release of sites from the Green Barrier, and for evidence to be tested.
16. That process has yet to be completed and while it may result in LDP adoption in March 2018 at the earliest, that timeframe is not unreasonable given the matters that it seeks to address. Consequently, at this stage a possible favourable outcome for the appellant in relation to the LDP process, along with the timescale to adoption of the plan, can only be attributed very limited weight in favour of the appeal scheme.
17. The Council cannot demonstrate a five year housing land supply,⁴ and has confirmed that the evidence base for the emerging LDP indicates: a need for 8,460 new homes between 2013 and 2028; and taking into account existing deliverable housing land supply, land is required for 4,000 new homes. The 'quality' of the development and whether the accommodation would meet local needs would be confirmed at the reserved matters stage. However, the appeal scheme would contribute 50 additional dwellings to local housing supply (13 of which are intended to be affordable). Also, evidence indicates that the dwellings could be built out quickly and they would incorporate renewable energy standards in line with Building Regulations. These factors provide considerable weight in favour of the appeal scheme.

³ Along with the views currently available from Main Road across the Green Barrier land

⁴ The appellant notes the housing land supply to have been 3.4 years in 2013/2014 and 3.1 years in 2014/2015

18. There would be economic benefits from the construction and occupation of the proposed dwellings. In addition, the appeal site is in an accessible location immediately to the north of Wrexham with transport links to shops, services and employment opportunities. These factors also provide considerable weight in favour of the appeal scheme
19. However, given the matters set out above I find that the other considerations in this case do not clearly outweigh the identified harm to the Green Barrier, and the very exceptional circumstances necessary to justify the proposed development do not exist.

Character and appearance

20. UDP Strategic Policy PS2 requires development not to be materially detrimental to landscape/townscape character, open space, or the quality of the natural environment. As this is an outline scheme with all matters reserved, specific details are not available for matters such as proposed landscaping. Nevertheless, due to the scale and nature of the development, it would result in the rural agricultural character of the appeal site being lost. This loss of character would be especially apparent given that it involves a roadside frontage,⁵ which currently provides opportunities to view across the existing agricultural land. It would be unacceptably harmful to the character and appearance of the area that results from the mix of rural and urban land uses in this edge of settlement location. Accordingly the appeal scheme conflicts UDP Strategic Policy PS2 and this harm adds significant weight against the appeal scheme.

Other matters

21. UDP Strategic Policy PS1 directs new development for housing, employment and community services to within defined settlement limits/employment areas. The Council's case confirms the appeal site to lie outside the settlement limits and this to conflict with UDP Policy PS1. However, it also recognises that given the age of the UDP policies and the housing need in the locality, UDP Policy PS1 attracts less than full weight in this case. Consequently, the conflict with UDP Policy PS1 only attracts very limited weight against the appeal proposal.
22. There is only one reason for refusal in this case, which is reflected in the main issues. Reports accompanying the application have addressed other matters, including those in relation to noise, transport and highways, flooding and drainage, trees and protected species. If this appeal were to be allowed, suggested planning conditions would address matters relevant to these reports, along with the potential for there to be contaminated land.
23. In addition to the policy conflict identified in the Council's decision notice, the Council has indicated that the loss of agricultural land through the appeal scheme would conflict with UDP Policy EC2, which seeks to protect agricultural land of grades 1, 2 and 3a. The UDP is clear that high quality agricultural lands are concentrated around Wrexham, but the amount of land on the appeal site that may fall within these grades is not known, and consequently, the likelihood of it being present only attracts limited weight against the appeal proposal.

⁵ That the appellant indicates to be 88m in length

Development of neighbouring land

24. The appellant has referred to access restrictions that would prevent further development of the Green Barrier land that extends out from the appeal site. Building on the appeal site would significantly reduce the existing gap between New Rhosrobin and the development to the south, which reasonably would be expected to make it more difficult to resist applications to develop within the remainder of this section of Green Barrier land. Any future planning proposal to develop land in this section of Green Barrier would be likely to seek to address any constraints that would otherwise prevent the development, including access restrictions. Therefore if this appeal were to be allowed, it is not apparent that access restrictions would be likely to prevent future planning applications for the development of neighbouring sites. Nevertheless, each application and appeal is considered on its own merits and that is how I have dealt with this case.

Planning obligations

25. The Council has referred to a number of planning obligations, the absence of which are not the subject of a reason for refusal. Matters highlighted include: the provision of affordable homes in an area where there is a need for 69 affordable dwellings per year; the management and maintenance of on-site public open space; and, the long term management and maintenance of habitat mitigation. The appellant wishes to address affordable housing through a condition and a legal undertaking at reserved matters stage. As such, an agreement or unilateral undertaking is not before me to support the appeal scheme.

Conclusion

26. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ('the WCFG Act'). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WCFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.

27. The proposal would be inappropriate development in the Green Barrier, for which there is a presumption against, and very exceptional circumstances do not exist to clearly outweigh this harm.

28. All representations in this case, and the scope of possible planning conditions, have been taken into account. However, the proposal conflicts with UDP Policies EC1, PS1 and PS2, and conflict with UDP Policy EC2 is likely. For the reasons above, when social, economic and environmental issues are balanced and considered as a whole, the appeal scheme would not be a sustainable form of development. No matters have been found to outweigh the identified harms and policy conflict and the weights attributed to them.

29. Accordingly, I conclude that the appeal should be dismissed.

Clive Sproule

INSPECTOR