



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 12/03/18

gan Richard E. Jenkins BA (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18/04/2018

Appeal Decision

Site visit made on 12/03/18

by Richard E. Jenkins BA (Hons) MSc
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18/04/2018

Appeal Ref: APP/B6855/A/17/3190943

Site address: Land part of 152 Coalbrook Road, Grovesend, Swansea, SA4 4GP

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 Pantyblodau Developments Limited against the decision of City and County of Swansea Council.
 - The application Ref: 2017/2064/OUT, dated 17 September 2017, was refused by notice dated 29 November 2017.
 - The development proposed is residential development (indicative total of 19 no. bungalows, access road and associated infrastructure).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved for subsequent approval. A schematic layout has been submitted for illustrative purposes. There is sufficient information provided to deal with the appeal on this basis.
3. The appeal proposal is supplemented by a planning obligation submitted by way of unilateral undertaking under Section 106 of the aforementioned Act in connection with transport and education commuted sum payments.

Main Issues

4. These are: whether the principle of development is justified in the location proposed, having particular regard to the planning policy framework; and the effect of the proposed development upon the Green Wedge designation, including whether there are any very exceptional circumstances that clearly outweigh any identified harm.

Reasons

5. The appeal relates to approximately 0.7 hectares of undeveloped land located off the western flank of the B4296 Coalbrook Road in Grovesend, Swansea. The greenfield parcel of land is fronted by a mature hedgerow that runs parallel to the public highway whilst the northern perimeter is enclosed by a dense copse of deciduous trees, beyond which lies an unmarked track that demarcates the settlement boundary as defined by the adopted City and County of Swansea Unitary Development Plan (2008) (UDP).
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The western perimeter of the site is lined by a continuous row of mature deciduous trees whilst the southern boundary with the adjacent No.152 Coalbrook Road represents a more recently planted hedgerow. The appeal proposal seeks outline planning permission for the residential use of the land for an indicative total of 19No. bungalows, with access into a cul de sac type development proposed directly off Coalbrook Road.

6. The appeal site lies outside of the defined settlement limits defined by the adopted UDP and is therefore located within 'countryside' for the purposes of planning. The appellant has suggested within the supporting evidence that the site forms part of the 'amenity area' of the adjacent property at No.152 and that it is distinct from neighbouring land as it is neither grazed nor used for crop cultivation. It has therefore been submitted that the land has the appearance of a large domestic garden. Nevertheless, I have not seen anything by way of cogent evidence to indicate that the site lawfully forms part of the residential curtilage of No.152 and, having had the benefit of a site visit, I would dispute the claims that the site has the appearance of a domestic garden area.
7. Policy EV22 of the adopted UDP sets the policy framework for development within the countryside, specifically stating that the countryside throughout the county will be conserved and enhanced through, amongst other things, the control of development. Such an approach is consistent with that of Planning Policy Wales (Edition 9, 2016)(PPW) which states that new house building and other new development in the open countryside, away from established settlements, should be strictly controlled. Indeed, PPW goes on to state that the fact that residential development on a particular site would be unobtrusive is not by itself a good argument in favour of permission given that such permissions could be granted all too often, to the overall detriment of the character of an area.
8. The site also lies within the Gorseinon Green Wedge designation, as defined by Policy EV23 of the adopted UDP. This policy states that within such designations development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. Consistent with this approach, PPW sets the national policy framework relating to green wedges, specifically stating that the most important attribute of green wedges is their openness. It also goes on to clarify that within such designations there will be a presumption against inappropriate development which, by definition, would be harmful to a green wedge designation.
9. There is no doubt that the development proposed falls within the definition of inappropriate development as defined by PPW. It therefore follows that the development would be harmful to the green wedge. Indeed, the construction of approximately 19No. residential bungalows would clearly undermine the existing open and rural character of the undeveloped site and thereby fail to maintain the openness of the green wedge. Such a finding is reaffirmed in this case by the fact that the concept of openness should not be confined to public viewpoints. Notwithstanding this, the physical incursion into both countryside and the green wedge would reduce the gap between established settlements and, in doing so, run counter to the legitimate aim of preventing coalescence and protecting the setting of urban areas. In accordance with the advice contained within national policy, such harmful impacts to the green wedge designation merit substantial weight in the planning balance.
10. National policy is clear that inappropriate development within Green Wedges should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm. In this case, it is clear that the

occupiers of the dwellings proposed would be able to benefit from the same range of facilities and services as the occupiers of the existing residential properties within the area. This weighs in favour of the appeal. Allowing the development would also contribute to the housing land supply in Swansea with the appellant proposing to reduce the standard time commencement period in order to ensure that it would contribute to meeting the short term need. Indeed, such matters are a clear response to the fact that the most recent Joint Housing Land Availability Study (JHLAS) concluded that there is only approximately 3 years supply of housing land available within Swansea.

11. Nevertheless, whilst such matters merit considerable weight in the planning balance, the fact that the emerging City and County of Swansea Local Development Plan (LDP) is at such an advanced stage of preparation cannot be ignored. Indeed, the LDP is at examination and incorporates a vision, strategic objectives and growth strategy that seek to strategically deal with both the immediate and longer term development needs of the area. It is also material to the determination of this appeal that the Council has produced a Guidance Note entitled "*Planning Applications for Non-Householder Residential Development*" which seeks to provide a clear strategy for addressing the housing land shortfall in advance of the adoption of the LDP. Specifically this document, seeks to bring forward a number of strategic sites allocated within the LDP to meet the short term housing need and I have been advised that a number of these sites have now progressed to planning application stage.
12. Whilst such an approach clearly falls some way short of immediately resolving the Council's housing land supply shortage, it is understandable that the Council is attempting to address the issue through an approach that would not be prejudicial to the emerging LDP. Indeed, the grant of planning permission in this case would be likely to prejudice the aims of the submitted LDP which proposes to retain the land as a green wedge in the medium to long term. This situation materially differentiates the development proposed from the other developments referred within the appellant's written submissions. Indeed, it is on the balance of this information that I consider the arguments advanced in favour of the appeal scheme to fall short of the very exceptional circumstances referred within national policy. Such considerations do not, therefore, clearly outweigh the harmful impact to the green wedge and it follows that the proposal would be in conflict with both Policy EV23 of the adopted UDP and PPW.
13. In conclusion, I have found that that the proposed development would represent an unjustified form of development within the countryside that would run counter to the general thrust of Policy EV22 and EV2 of the adopted UDP which, amongst other things, respectively seek to conserve and enhance the countryside throughout the county and give preference to the use of previously developed land. It would also conflict with the general thrust of PPW which generally seeks to strictly control new development in the open countryside. As inappropriate development, the development would also fail to maintain the openness of the Gorseinon Green Wedge and run counter to the aim of including the land within the designation. Indeed, the arguments advanced in support of the proposal do not individually or cumulatively comprise the very exceptional circumstances necessary to outweigh the substantial harm to the Green Wedge. I therefore find that the development would also be in conflict with both the adopted development plan and national policy relating to green wedges.
14. Based on the foregoing, and having considered all matters raised, I conclude that the appeal should be dismissed. As the appeal fails on the substantive merits of the case, it is not necessary for me to provide detailed reasoning in relation to the planning

obligation submitted by way of unilateral undertaking under Section 106 of the aforementioned Act.

15. In determining this appeal, 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 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and 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, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR

Richborough Estates