



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 28/01/16

gan Kay Sheffield BA(Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad : 23 Chwefror 2016

Appeal Decision

Site visit made on 28/01/16

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers
Date : 23 February 2016

Appeal Ref: APP/H6955/A/15/3138885

Site address: Land north of Minera Hall Road, Minera, Wrexham, LL11 3YE

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 RLP Limited against the decision of Wrexham County Borough Council.
- The application Ref P/2015/0254, dated 26 March 2015, was refused by notice dated 1 June 2015.
- The development proposed is residential development including means of access.

Decision

1. The appeal is dismissed.

Procedural matters

2. The outline planning application was supported by an illustrative layout plan which indicated a development in excess of fifty dwellings. Although the application form stated that details of access were not reserved for subsequent approval, the decision notice issued by the Council and the appeal form show all matters to be reserved. The Appellant has confirmed access should be treated as a reserved matter and I have determined the appeal on this basis.
3. Although at the time the planning application was determined edition 7 of Planning Policy Wales (PPW) was in force, it was replaced by edition 8 in January 2016. The Council took account of the latest edition in its appeal statement and the Appellant has had the opportunity to review its case in the light of it. I have had regard to edition 8 in my determination of the appeal.

Main Issues

4. The main issues are: whether the proposal would comply with local and national policies designed to protect the green barrier from harm and, if not, whether there are very exceptional circumstances sufficient to outweigh the harm; the effect of the development on flooding; and the effect on visual amenity.

Reasons

5. The appeal site is an irregularly shaped parcel of agricultural land which rises up from its southern boundary with Minera Hall Road. It lies outside but adjacent to the settlement limit of Minera which adjoins the site on its western edge. To the north there are playing fields and to the east there is agricultural land, although there is no physical definition of the boundary with the latter.

Green barrier

6. The appeal site lies within the green barrier as defined in the Wrexham Unitary Development Plan, 2005 (UDP). Policy EC1 of the UDP only permits development within green barriers if it is for "*agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain the openness of the Green Barrier and do not conflict with the purpose of including land within it*".
7. For the purposes of national policy the designation of green barrier is synonymous with the term green wedge. Paragraph 4.8.14 of PPW makes a presumption against inappropriate development in green wedges. The circumstances under which buildings in a green wedge may not be inappropriate are identified in paragraph 4.8.16 and include those set out in Policy EC1 of the UDP. The proposed development does not fall within any of the specific uses listed in Policy EC1 of PPW.
8. Other uses are allowed in the green barrier where openness is maintained. Openness and permanence are recognised in paragraph 4.8.5 of PPW as the most important attributes of green belts and although local designations such as green barriers do not convey the permanence of a green belt, openness is still considered an important attribute. Although PPW does not specifically define openness, it is generally accepted to be the absence of urban sprawl and encroachment into the countryside.
9. The purposes of the green barrier set out in paragraph 5.2 of the UDP reflect those in PPW and include: to prevent the coalescence of urban areas and villages with other settlements; assist in safeguarding the countryside from encroachment; and to protect the setting of an urban area. The location of the site on the edge of the settlement is significant in safeguarding the countryside from encroachment and maintaining a separation between Minera and Coedpoeth, although I acknowledge that the development would not result in the coalescence of the two settlements.
10. The evidence therefore leads me to conclude that the proposal would constitute inappropriate development within the green barrier which would also fail to maintain openness and conflict with the purposes of including land within it, contrary to Policy EC1 of the UDP and PPW. This carries substantial weight against the appeal.

Very exceptional circumstances

11. PPW states in paragraph 4.8.15 that inappropriate development should not be granted planning permission "*except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge*". One of the very exceptional circumstances advanced by the Appellant is that the Council does not have a five year housing land supply. In such circumstances paragraph 6.2 of Technical Advice Note 1: Joint Housing Land Availability Studies states that the need to increase supply "*should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies*".

12. The appeal site is located on the edge of the settlement and the Council has estimated that the proposed development would result in a 25% increase in the number of dwellings within it. The settlement is served by a local bus service and a wider service is accessible within easy walking distance of the site. There is also a local primary school, although I understand it is full to capacity. The only other services listed as being within the settlement are a church, public house, sports field and play area. The existing facilities and services within the settlement are therefore limited for the scale of development proposed. It would be necessary for residents to travel to other settlements for employment, shopping and other facilities and services and although there is a bus service, it is highly probable that a majority of residents would be reliant on the private car. These factors limit the sustainability of the development and do not satisfy one of the objectives of PPW which is to minimise the demand for travel, especially by private car.
13. The Appellant also contends that there has been inconsistency in the Council's consideration of residential applications as it has granted permission for other large residential developments on land outside but adjoining settlement boundaries. Sites at Ruabon and Summerhill have been cited. The Appellant has also suggested that there are few if any other opportunities to extend the settlement of Minera although the Council has indicated that there is permission on a small site to the west of Eversley Court.
14. Although there are similarities between the proposal and the examples of other schemes brought to my attention by the Appellant in that they are for residential development on sites outside of a recognised settlement, I do not have sufficient details to be able to make a reasoned comparison between them and the appeal before me. In view of the current lack of housing land supply, there may be circumstances where residential development of land outside recognised settlements may be supported. However, the proposals would need to satisfy all other planning considerations and represent a sustainable form of development. In view of my concerns regarding the development I do not consider it meets these requirements.
15. The Council in its consideration of housing land supply as part of the emerging Local Development Plan (LDP2) has indicated it might potentially result in utilising some green barrier land in some locations. However, the Council has indicated that it is unlikely that any changes to the settlement limit of Minera would take place and therefore only small windfall sites or small scale infill developments might be allowed, although there may be scope for small scale affordable housing schemes. In its assessment of the appeal site and adjacent areas of land as a potential candidate site the Council has indicated that the site is unlikely to be considered as suitable for development, although it notes that the assessments are on-going and that the sites will be tested further. However the LDP2 is an emerging plan and at the stage it has reached little weight can be attributed to it.
16. Although the lack of housing land carries significant weight, the site's current purpose and function as part of a green barrier is still relevant and material to the consideration of the appeal. The proposal would represent an encroachment into the countryside in a location which is not highly sustainable and which would have the potential to set a precedent for the release of other sites in similar locations. I conclude that in this case the considerations do not clearly outweigh the harm to the green barrier. Looking at the case as a whole, I consider that very exceptional circumstances to justify the development have not been demonstrated.

Flooding

17. 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.
18. Potential for flooding was identified as a matter of concern by the Council in its second reason for refusing planning permission. In order to try and address the matter the Appellant submitted a Flood Consequences Assessment (FCA) as part of the appeal. Neither the Council nor NRW considered the FCA fully addressed its concerns and considered that further clarification was required with regard to the flood risk associated with the unnamed watercourse which crosses the site. The Council also raised an issue with regard to ownership of the downstream culvert.
19. 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 Policies GDP1 (i) and EC13 of the UDP and paragraph 13.4.2 of PPW.

Visual amenity

20. The site adjoins the settlement boundary to the west and is bounded to the south by Minera Hall Road. It is nevertheless within the countryside with open land to the north and east. The development would extend the built development further along the road frontage, decreasing the gap between Minera and Coedpoeth. I accept that the extent of the development along Minera Hall Road would not exceed the settlement boundary on the southern side of the road. I also noted during my site visit that on this side of Minera Hall Road there is little sense of a gap between the settlements because of the extent of the frontage development. However, I do not consider this sufficient reason to extend the settlement on the northern side of the road.
21. In approaching the site along Minera Hall Road from the east views of the site would be broken by existing tree and hedge planting. However, the creation of a new access, which would necessitate the removal of a significant part of a mature hedge, would open up views into the site. Furthermore the land rises quite steeply from the road and in this setting dwellings relatively close to the road frontage would appear as dominant features in the street scene in comparison with the existing development to the west. Overall I consider that the development would create a significant visual extension of the settlement into the countryside.

22. I have noted that in pre-application discussions officers of the Council indicated that the line of the eastern site boundary parallel with the gas main would be acceptable. However, the gas main is underground and does not create a physical feature above ground. The proposed development would therefore not be contained within any existing defensible boundaries or features and although the boundary runs almost parallel with the A525 Ruthin Road further to the east, this relationship is not discernable in the immediate surroundings of the site. In these circumstances I consider that the proposed development would appear incongruous and would form an undesirable visual intrusion into the landscape contrary to Policies PS2 and GDP1 (a) of the UDP.

Other material considerations

23. The Council has indicated that the scale of development proposed would attract contributions towards primary school educational facilities, affordable housing, management and maintenance of on-site public open space and the management and maintenance of on-site habitat corridors secured by way of an obligation under S106 of the Town and Country Planning Act 1990. The Appellant has questioned the need for contributions in respect of primary school facilities, and open space provision. It also considers that affordable housing could be addressed by condition. However, I do not consider that these matters carry sufficient weight to overcome the concerns I have identified.

24. Other issues raised by interested parties include the effect of the development on the local highway network and sewerage system. I have no definitive evidence that the increase in traffic generated by the development would cause detriment to highway safety or that the local sewerage system does not have sufficient capacity to be able to cope with the discharges from the development.

Conclusions

25. The proposal would be inappropriate development in the green barrier which would also fail to maintain openness and there are no very exceptional circumstances sufficient to outweigh this harm. In addition there is the potential risk from the development to flooding and harm to visual amenity. For these reasons, and having had regard to all other matters raised, the appeal is dismissed.

Kay Sheffield

Inspector