
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/03/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24.04.2018

Appeal Decision

Site visit made on 13/03/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 24.04.2018

Appeal Ref: APP/T6850/A/17/3191433

Site address: Land adjoining Penyfoel Farm, Middletown, Near Welshpool SY21 8DQ

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 JMG Holloway and SJ Beddoes against the decision of Powys County Council.
 - The application Ref P/2017/0548, dated 15/05/2017, was refused by notice dated 13/11/2017.
 - The development proposed is outline planning application for a residential development of up to 9 dwellings, formation of a vehicular access, and associated works.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The planning application is submitted in outline with access only considered at this stage. All other reserved matters, scale, layout, landscaping and appearance are reserved for later determination. Revised plans were submitted during the course of the planning application and I have considered this appeal on that basis.
3. On 17/04/2018 the Powys Local Development Plan (LDP) 2011-2016 was adopted. The LDP supersedes all former adopted development plans which were considered in the Council's reasons for refusal. Planning Policy Wales (PPW) Edition 9 (paragraph 2.1.2) indicates that 'Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004)'. This appeal must therefore be determined in accordance with the adopted LDP unless material considerations indicate otherwise.
4. The main parties were given an opportunity to comment on the relevant policies/settlement plan, housing requirements, housing land supply and housing distribution/trajectory of the LDP. I have considered the parties comments that have also had an opportunity to respond on each other comments in this appeal.

Main Issue

5. This is whether there are other material considerations sufficient to outweigh any conflict with local and national planning policies.
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Reasons

6. The outline application relates to a site between Fairfield and Penyfoel Farm. The LDP includes a linear site of approximately half of the appeal site as within the settlement boundary of Middletown. The remainder of the appeal site lies outside the settlement boundary. This settlement boundary line severs the appeal site in half which means that the indicative layout with a central access point could not be implemented should the provisions of the LDP be applied. No lesser development scheme has been shown and I have considered the appeal site as a whole and I have treated the submitted indicative layout as the most probable outcome of the appellants' intentions to develop the site. I would regard a development that would infill this LDP windfall site as an entirely different development to the one which is considered in this appeal.
7. Middletown is classified as a large village in the LDP. The Council say that there is now upon the adoption of the LDP a total housing land supply of 5,588 units set against a housing requirement of 4,500 over the plan period. The Council say that the housing land supply taken from the housing trajectory in 2018 is 7.4 years. This information forms the examination papers and evidence base which was examined in the development plan inquiry and found to be sound. The evidence now provided indicates that the Local Planning Authority has sufficient land which is genuinely available or will become available to provide a 5-year supply of land for housing as required by PPW (paragraph 9.2.3) and TAN 1¹. The appellants' evidence relates to the housing land supply which existed prior to the adoption of the LDP and is now out of date. The considerable weight attributed to the need to increase housing land supply to meet an identified shortfall as set out in TAN 1 does not therefore apply in this case.
8. LDP Strategic Policy SP1 Housing Growth sets out the housing requirement and supply figures over the plan period. The Llangynog housing allocation was taken out of the LDP resulting in a supply of figure of 5,588 units. Land has been identified in Policy H2 for the provision of dwellings on housing sites capable of providing 5 or more dwellings, and further land on small sites and windfall sites. The settlement hierarchy in Strategic Policy SP5 comprises towns, large villages, small villages, rural settlements and open countryside, and establishes development limits for towns and large villages by designating development boundaries.
9. Strategic Policy SP6 establishes the distribution of housing in accord with the settlement strategy the level of service provision and size, and subject to its capacity to accommodate sustainable growth. Policy SP6 sets out that at least 25% of the Plan's housing growth would be located in large villages. It indicates that this will be delivered through housing commitments and new allocations and on suitable sites within the development boundary. The explanation for the policy also indicates that the LDP apportions more land to higher tier settlements, towns and large villages on a pro-rata basis. This is based on household numbers and an assessment of the role and function of settlements as set out in the Strategy Topic Paper. The percentage distribution of the total housing provision is set out in Table H2. Table H2 identifies 1,566 units or 28% of the housing provision is distributed to large villages across the County. Nevertheless, the policy explains that it is not possible for all settlements to accommodate their pro-rata level due to a lack of suitable sites and the shortfall will be provided and re-allocated to nearby towns and large villages.

¹ Technical Advice Note 1 – Joint Housing Land Availability Studies

10. Policy SP6 does not expressly set a threshold level of housing that would be appropriate for specific large villages. The Council's concern about the amount of development exceeding a sustainable growth level for Middletown is not expressed in policy, and therefore there is no measure of when that tipping point has been reached. The pro-rata threshold is set out in a Strategic Topic Paper, and Policy SP6 refers to the distribution of housing growth for large villages across the County as a percentage and not as a target.
11. The LDP settlement boundaries provide a sustainable growth threshold for new development in large villages. Policy H1 would permit housing development in large villages on allocated sites or on other suitable sites within the development boundary, or on sites forming logical extensions outside development boundaries for affordable housing.
12. As indicated the appeal site extends significantly beyond the relevant LDP boundary at this location. There is no case put forward that the proposed housing development outside but adjoining the settlement boundary would be for affordable housing or that it would be a logical extension. In my view, the appeal site would expand the built influence of the settlement far into the countryside. I consider that the proposal conflicts with LDP Policy H1 and Policy SP6 (category 5).
13. The LDP provides the rational basis for decisions in accordance with the presumption in favour of sustainable development as set out in PPW (paragraphs 4.2.2 and 4.2.4). The countryside should be protected for its intrinsic sake and the need to promote a resource-efficient and climate change resilient settlement pattern that minimise land-take is one of the Well-being of Future Generations (Wales) Act 2015 goals.
14. I conclude that the development conflicts with local and national planning policies.
15. The appellants justify the development on the basis that Middletown is a sustainable large village and that a number of recent planning permissions have been granted outside development boundaries. The appellants indicate that the limit on sustainable housing growth cannot be used as a reason to refuse permission when other sites have been granted outside settlement boundaries. The appellants also refer to other large villages that have fewer facilities than Middletown that have had planning permissions granted for housing and these are listed in their submissions. The appellants also refer to the shortfall in the 5-year housing land supply.

Planning Balance and Overall Conclusions

16. I have considered the appeal proposal as a whole and the development would fail to accord with important policies of the LDP which seeks to control residential development outside settlement boundaries. A significant proportion of the site is located outside the settlement boundary for this large village where no justification has been made for it.
17. The LDP provides the rational basis for decisions in accordance with the presumption in favour of sustainable development, that the available evidence indicates that there is sufficient land which is genuinely available or will become available to provide a 5-year supply of land, and that the countryside should be protected for its intrinsic sake in order to promote a resource-efficient and climate change resilient settlement pattern that minimise land-take. The proposal would also fail to meet the exception site policy for affordable housing adjacent to the development boundary.
18. The considerable weight attached to the need to increase housing land supply would not apply in this case as the development would not comply with the development

plan and national planning policies. To this end the appeal can be differentiated from the examples of other housing developments granted permission outside settlement boundaries.

19. I agree with the appellants that the large village of Middletown is sustainable and that housing growth is planned for it in a sustainable way. However, this planned growth is controlled through the LDP settlement boundaries. This appeal development extends significantly beyond the settlement boundary and is in conflict with the LDP. The proposal would provide 20% affordable housing as part of the whole development. I attach moderate weight in favour of this point, but overall this does not outweigh the conflict I have identified with the LDP.
20. 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 WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG 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 in section 8 of the WBFG Act.
21. I have also considered the representations from interested parties on this appeal concerned about the cumulative growth of the settlement. This matter has been addressed above.
22. My conclusion is that other material considerations are insufficient to outweigh the conflict with important local and national planning policies.
23. The planning balance is against allowing this appeal.

Iwan Lloyd

INSPECTOR