
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/17/3191962

Site address: Land adjacent to Peartree Lane, Llanfair Caereinion SY21 OBH

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 failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr J Edwards against the decision of Powys County Council.
 - The application Ref P/2017/0170 is dated 6/02/2017.
 - The development proposed is outline – residential development including formation of a new vehicular access, and all associated works.
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Decision

1. The appeal is dismissed and planning permission for outline – residential development including formation of a new vehicular access, and all associated works is refused.

Procedural matters

2. The appeal was lodged on 20/12/2017, before the Council's decision was issued on 27/12/2017. On the 15/12/2017 the Council's Planning Committee resolved to refuse permission. The reason given was that: *"The proposed development due to its location is considered to have an unacceptable impact on the landscape and is considered to be unsustainable development in the open countryside contrary to Planning Policy Wales (9th Edition, 2016) and policies SP5, GP1, ENV2, HP4, HP5, HP6 and HP8 of the Powys Unitary Development Plan 2010"*.
3. 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. The description on the appeal form refers to a development of 5 dwellings, although the form had not been ticked to indicate a change of description. I have considered the appeal on the basis of the planning application description, and the submitted indicative plans showing a layout of 5 dwellings.
4. 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 by the Council. 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.

5. 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 and they have also had an opportunity to respond on each other's comments in this appeal.

Main Issue

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

Reasons

7. The outline application relates to a site opposite Heulfryn, adjacent to Peartree Lane. The appeal land is a field rising in land levels from the roadside. The proposal shows a linear layout of 5 dwellings served by a central access with the roadside hedge removed and a new hedge planted behind a new footpath/road widening proposal. New hedgerows are shown on the eastern and southern boundaries linking into an existing hedge on the western boundary.
8. The appeal site lies outside and opposite the settlement boundary for Llanfair Caereinion in the LDP. Llanfair Caereinion is classified as a town in the LDP, and has all the necessary facilities and services to sustain new residential development.
9. The Council indicate 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 indicate that the housing land supply taken from the housing trajectory in 2018 is 7.4 years. This information formed the evidence to the development plan inquiry and was 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.
10. 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.
11. 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 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.
12. 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 a higher proportion of new development required will be directed to towns. At least 50% of the Plan's

¹ Technical Advice Note 1 – Joint Housing Land Availability Studies

housing growth would be located in towns, and that this will be delivered through housing commitments and new allocations and on suitable sites within the development boundary. The policy also indicates that additional affordable housing will be permitted on exception sites forming logical extensions to the settlement.

13. The LDP has set out settlement boundaries for towns through Policy H1. Policy H1 would permit housing development in towns on allocated sites or on other suitable sites within the development boundary, or on sites forming logical extensions outside development boundaries for affordable housing.
14. The appeal site is located outside the settlement boundary of the town, on agricultural land that rises up a slope to a wooded hill. Llanfair Caereinion has developed around the valley floor and central core of the town centre and along main arterial routes that rise in a series of hills. This undulating landscape of hills and slopes has pockets of built development on sloping land and areas of undeveloped agricultural land. One such pocket of built residential development on a slope adjacent to a road is Heulfryn housing estate. The appeal development is situated above this pocket of built development and is seen as an undeveloped area of agricultural hillside from the other side of the valley on Neuadd Lane. I consider the development would be an encroachment into a hillside landscape which does not follow a logical or defensible natural boundary. The road comprises the current LDP boundary which is logical and defensible.
15. 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 and up a highly visible steep slope. I consider that the proposal conflicts with LDP Policy H1 and Policy SP6 and Policy DM4, which seeks to protect valued characteristics and qualities of the Powys landscape.
16. 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.
17. I conclude that the development conflicts with local and national planning policies.
18. The appellant justifies the development on the basis that a number of recent planning permissions have been granted outside development boundaries in the town and in other large villages. The appellant indicates that the location of the development is sustainable and no harm would arise to the character and appearance of the area. The appellant also refers to the shortfall in the 5-year housing land supply.

Planning Balance and Overall Conclusions

19. I consider that the development would fail to accord with important policies of the LDP which seeks to control residential development outside settlement boundaries. I consider that the proposal would harm the character and appearance of the area by expanding the built influence of the settlement up a hillside landscape, resulting in encroachment of the countryside. The whole appeal site is located outside the settlement boundary of the town where no justification has been made for it.
20. 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.

21. 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. This appeal can be differentiated from the examples of other housing developments granted permission outside settlement boundaries because they were considered in the light of a recognised shortfall in housing land supply, whereas the situation has now changed following the adoption of the LDP.
22. I agree with the appellant that Llanfair Caereinion is a sustainable location for residential development and that most of the Plan's housing growth is directed to such towns throughout the County. The proposal would provide 1 affordable house, and this point in favour does not outweigh the conflict I have identified with the LDP.
23. 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.
24. My conclusion is that other material considerations are insufficient to outweigh the conflict with important local and national planning policies.
25. The planning balance is against allowing this appeal.

Iwan Lloyd

INSPECTOR