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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/04/18

gan Declan Beggan BSc (Hons) DipTP  
DipMan MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18/05/2018

## Appeal Decision

Site visit made on 13/04/18

by Declan Beggan BSc (Hons) DipTP  
DipMan MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18/05/2018

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**Appeal Ref: APP/T6850/A/17/3191434**

**Site address: Land opposite South Bank, Middletown, SY21 8DF**

**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 planning permission.
  - The appeal is made by JMG Holloway & SJ Beddoes against the decision of Powys County Council.
  - The application Ref P/2017/0551, dated 15 May 2017, was refused by notice dated 29 November 2017.
  - The development proposed is described as the 'Erection of 4 dwellings, formation of vehicular access and associated works'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of the site address varies slightly between that stated on the submitted planning application form and that shown on the Council's refusal reason; the former is more accurate and it is on this basis that I have determined the appeal. In addition, the description of the proposed development varies between the submitted planning application form and that stated on the Council's refusal reason; the latter description is more concise and it is on this basis that I have determined the appeal.
  3. The proposed development has been submitted in outline with all matters except for access reserved for later determination. The submitted details show the access to site will be off a minor road that leads to the centre of the settlement of Middletown. The submitted layout details give an indication of house types/plots and their respective positions within the site. In terms of those matters reserved for later approval I am satisfied sufficient information has been provided to deal with the appeal on this basis.
  4. The Powys Local Development Plan 2011-2026 (LDP) has recently been adopted, superseding the earlier development plan document. The appeal must be determined in accordance with the development plan unless material considerations indicate
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otherwise; in Wales the development plan is the local development plan adopted in relation to that area<sup>1</sup>. Both main parties were given the opportunity to make comment on the LDP in relation to the proposed development although neither provided further submissions, however based on my knowledge of the development plan's contents I have identified what I consider to be the relevant planning policies.

### **Main Issue**

5. The main issue is whether the proposed development would provide a suitable site for housing having regard to the principles of sustainable development and planning policies that seek to strictly control new development outside of settlement boundaries

### **Reasons**

6. The appeal site which forms part of an agricultural field is located in open countryside close to but outside the defined development boundary for Middletown as identified in the LDP. The field is bounded by a minor road to the west, a dwelling to the north, and agricultural land to the south and east.

#### *Sustainable Development & Settlement Boundaries*

7. It is a long standing planning policy position that the countryside should be safeguarded from uncontrolled and sporadic development, with development primarily directed to existing settlements; otherwise unrestrained encroachment of the countryside would occur. However, other appropriate locations outside settlements cannot be discounted and these have to be weighed against national advice supporting sustainable development as detailed in Planning Policy Wales Edition 9 (PPW).
8. The LDP identifies it has sufficient land to meet its requirement for new dwellings over the plan period as referred to in Policy SP1 'Housing Growth' which sets out the housing requirement and supply figures over the plan period; the policy states the LDP will seek to maintain a 5 year supply of land for housing. The LDP indicates that the Council has sufficient land with which to meet its 5 year supply of land for housing otherwise the plan would not have been found to be sound. Whilst the appellant initially sought to justify development of the site based on the lack of a five year housing land supply, that was in the context of a different development plan and housing supply context, however with the adoption of the LDP, the housing land supply requirements of the county are now highly likely to be met over the plan period.
9. The LDP distributes residential development according to a sustainable hierarchy of settlements as identified in policy SP5 and which classes Middletown as a large village. Policy SP5 highlights that settlements such as Middletown are deemed to be able to accommodate housing growth in proportion to their size and facilities; the policy notes that whilst such settlements provide important local services to their own and surrounding communities, they do not possess the wide range of facilities and functions found in towns. Policy SP6 states that housing provision in larger villages will be through existing commitments and on new allocations on suitable sites *within* (my emphasis) the development boundary, with other sites potentially being developed on 'exception' sites which are solely to meet a proven local affordable need and which forms a logical extension to the settlement; policy H1 reiterates this stance.

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<sup>1</sup> Planning and Compulsory Purchase Act 2004 s.38 (4)

10. Overall, the LDP seeks to promote sustainable development through, amongst other policies, its strategic settlement hierarchy and to ensure the open countryside, as a finite resource is protected from uncontrolled and unsustainable development.
11. Policies SP5, SP6 and H1 reflect and are consistent with the stance taken in PPW, and advice as contained within Technical Advice Note 6: Planning for Sustainable Rural Communities, insofar as they relate to the control of new housing in the countryside in line with sustainability principles. The proposed development does not meet any of the above LDP policies, and would also not be justified for any other reason under national planning policy.
12. Furthermore PPW states the countryside, in line with sustainability principles, should be conserved and where possible enhanced for its own sake, and that new building in the open countryside that is away from existing settlements or areas allocated for development in development plans, must continue to be strictly controlled. The proposed development would neither conserve nor enhance the countryside, and to my mind has not been justified in its rural location; consequently it is in conflict with national planning policy.
13. I conclude that the proposal would not be a sustainable form of development in terms of the settlement strategy of the newly adopted LDP and the need to avoid unjustified development within the open countryside. The proposal would therefore be contrary to the provisions of the development plan and advice contained within PPW.
14. I appreciate Middletown is a sustainable settlement in terms of a number of services and this is recognised through the LDP. However, the extent of existing services is limited, and any future occupants of the site would rely heavily on other nearby settlements to meet their needs. Overall the sustainable growth and development of the settlement is controlled via the LDP settlement strategy and identified development boundaries. The proposed development is outside the development boundary and, as identified previously, is therefore contrary to the LDP. Therefore the benefit of access to the local services referred to by the appellants or other benefits such as the provision of a footpath leading to the centre of Middletown, either individually or combined with any other benefits associated with the proposal, would not outweigh the significant conflict with local and national planning policies.
15. Consequently the proposal is in conflict with local and national planning policies that in broad terms seek to control development in the interests of sustainability. PPW states that a plan led approach is the most effective way to secure sustainable development through the planning system. I have previously found that the LDP policies applicable to the proposed development reflect the stance taken in PPW insofar as they relate to the control of new housing in the countryside in line with sustainability principles. The presumption in favour of sustainable development as set out in PPW does not apply having regard to the key principles and key policy objectives of sustainable development<sup>2</sup>.
16. Overall, the proposed development would not provide a suitable site for housing having regard to the principles of sustainable development and planning policies that seek to strictly control new development outside of settlement boundaries, and therefore the proposal would be contrary to local and national planning policies.

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<sup>2</sup> PPW paragraphs 4.2.2, 4.2.4, 4.2.5

### *Other Matters*

17. In support of the proposal the appellants have raised a number of other similar developments in other large villages where the Council have granted planning permission, however those schemes were made in a very different development plan context and therefore are not directly comparable. In any event I have considered the appeal proposal on its own merits.
18. The appellants refer to the fact that a site in Middletown has recently been permitted outside of the development boundary despite the advanced stage of the LDP. This site was referred to in the planning committee report relating to the appeal proposal, insofar as the Council stated they were minded to grant planning permission subject to the signing of a Section 106 legal agreement. The Council were perfectly entitled to give weight to the development of this other site in their consideration of the appeal proposal bearing in mind that the site was being permitted subject to the signing of a legal agreement. The planning committee decision for that site was taken in 2017, a significant time prior to the LDP being adopted; the fact that the actual approval notice was issued in the weeks prior to the adoption of the LDP following the signing of the legal agreement would not justify permitting the proposal subject to this appeal.
19. Objectors to the development raised issues relating to the ability of local infrastructure to cope with the proposed development, however, there is no substantive evidence that such matters would be unduly affected by the proposed development had I been minded to allow the appeal.

### **Conclusion**

20. After taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal should be dismissed.
21. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

*Declan Beggan*

INSPECTOR