
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 31/10/18

gan Siân Worden BA MCD DipLH
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27/12/2018

Appeal Decision

Site visit made on 31/10/18

by Siân Worden BA MCD DipLH MRTPI

an Inspector appointed by the Welsh Ministers

Date: 27/12/2018

Appeal Ref: APP/T6850/A/18/3212313

**Site address: Land forming part of Rhallt Field, Rhallt Lane, Buttington,
Welshpool SY21 9JP**

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 Mr and Mrs E Turner against the decision of Powys County Council.
 - The application Ref P/2017/1266, dated 23 October 2017, was refused by notice dated 6 April 2018.
 - The development proposed is the erection of one detached private dwelling, formation of vehicular access and all associated works.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was in outline with all matters other than access reserved for later determination.

Main Issues

3. I consider that the main issue in this case is the effect of the proposed development on the open countryside.

Reasons

4. The appeal site is part of a field fronting Rhallt Lane, close to the canal and opposite a handful of cottages. The setting is generally rural although, on the other side of the canal is the Buttington Cross Enterprise Park where there are several large commercial units. The proposal is for a new dwelling with vehicular access and a garage.
 5. The site is outside the settlement development boundary of Welshpool, identified in the adopted Powys Local Development Plan (LDP) and to which Policy SP5 applies. The small settlement of Buttington is located some distance to the east of the appeal site, separated from it by the canal, railway line and main road. It is not being a recognised or named settlement which contains at least ten closely grouped dwellings,
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the area immediately around the appeal site cannot be defined as a rural settlement under Policy SP5. It is thus classified as open countryside.

6. LDP Policy SP6 concerns the distribution of growth across the settlement hierarchy. It states that, in order to protect the open countryside, the majority of growth will be directed into defined sustainable settlements. Outside of these, as the proposal here is, strict control will be exercised over new development proposals.
7. This control is implemented mainly through LDP Policy H1 which, in the open countryside, only permits housing development which relates to a need for housing consistent with current national policy, mainly rural enterprise workers; relating to the conversion of rural buildings; or relating to the renovation of a former abandoned building. It is not the appellant's case that the objective of the proposed dwelling is to enable the future occupier to live at or close to their rural enterprise place of work. Neither would the proposed development be a conversion or renovation of an appropriate building.
8. In not meeting one of the criteria set out in the section of the policy relating to the open countryside, the proposed development would be contrary to LDP Policy H1. It would not, therefore, protect the open countryside.

Other matters

9. The appeal site is close to some employment opportunities at the nearby enterprise park. The village centre at Buttington is not particularly convenient to the site and, although there is a direct route along the canal, the leisure centre and other services on the edge of Welshpool are some way away. There is, however, a nearby bus stop. Overall, I do not consider that the proposed development would be in a particularly accessible location or that it would be unlikely to result in additional journeys by car. I have noted that the planning officer's opinion on the matter, as expressed in the committee report, differs from mine.
10. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Since it was adopted on 17 April 2018 the Powys LDP has replaced the Powys Unitary Development Plan (UDP). At the time the decision was made – the notice is dated 6 April 2018 – the UDP was the adopted development plan and it was appropriate to consider the proposed development against its policies. In its written statement the Council has reassessed the proposal in line with the up-to-date policies in the adopted LDP, as I have in reaching my decision. There is, therefore, an adopted plan in place; its policies are relevant and not outdated or superseded.
11. Planning Policy Wales (PPW) states that a plan-led approach is the most effective way to secure sustainable development through the planning system¹. The recently adopted LDP is thus a vehicle in itself for sustainable development. The advantages of the proposed development, including its location, that it would be for a local family wishing to raise their children here, and that it is not far beyond the settlement development boundary, do not amount to considerations which indicate that the proposed development should be determined otherwise than in accordance with the LDP.

¹ PPW edition 10 paragraph 1.17

12. The planning officer's main reason for recommending consent for the proposed development was that the Council did not have a five year supply of housing land. The LDP allocates housing sites to meet the needs forecast to arise during the plan period, in the case of Powys from 2011-2026. At the time of the LDP's adoption, just after the application had been refused, there was a five year supply of available land for housing development. That concern has therefore been removed.

Conclusion

13. The appeal site is outside of a settlement development boundary and thus in the open countryside. The proposed development would not be one of the limited types of development permitted in such locations and thus, in the terms of the LDP, would be harmful to the open countryside. That is reason in itself to refuse the proposal. I have taken all the matters raised into consideration but these are not sufficient to outweigh the harm which would be caused.
14. 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.
15. For the reasons given above I conclude that the appeal should be dismissed.

Síân Worden

Inspector