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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/09/17

gan Clive Sproule BSc MSc MSc  
MRTPI MIEnvSci CEnv

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 20.11.2017

## Appeal Decision

Site visit made on 29/09/17

by Clive Sproule BSc MSc MSc  
MRTPI MIEnvSci CEnv

an Inspector appointed by the Welsh Ministers

Date: 20.11.2017

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**Appeal Ref: APP/T6850/A/17/3180737**

**Site address: Sarn Meadow, Gwreiddyn Lane, Guilsfield, Welshpool SY21 9DT**

**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 Chris Wright against the decision of Powys County Council.
  - The application Ref P/2016/0985, dated 13/09/16, was refused by notice dated 20/07/17.
  - The development proposed is residential development, together with improvement to existing vehicular access and formation of a pavement.
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### Decision

1. For the reasons that follow, the appeal is dismissed.

### Procedural matter

2. The application was made in outline with all matters, except access, reserved for determination at a later date.

### Main Issue

3. The main issue is considered to be the effect of the development proposed on the character and appearance of the locality.

### Reasons

#### *Character and appearance*

4. Guilsfield is a large village with development that extends along and out from a number of highways in the locality. This pattern of development has resulted in clearly defined edges to the village which are apparent as you move around it. The village is surrounded by open countryside that has occasional development within it. Typically, I found the rural development outside the village to be agricultural or single dwellings.
  5. Sarn Meadow is a single dwelling within a roughly rectangular 0.4 Ha plot that is accessed from Gwreiddyn Lane. The application was made on the basis of providing five additional dwellings on the plot. The Council Officer's reports on the application note: areas of planning policy compliance; the appeal site to be approximately 80m
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from the settlement boundary of the village as set out in the *Powys Unitary Development Plan 2001-2016* – adopted March 2010 ('UDP'); and, as the proposal would be a departure from the UDP, it should only be permitted where material considerations are found to outweigh the conflict with the development plan.

6. The appeal scheme departs from the UDP by being outside the settlement development boundary that is the subject of UDP Policy HP4 and failing to comply with UDP Policy HP6. UDP Policy HP6 is only permissive new dwellings in the open countryside that would be affordable housing, or dwellings for agriculture or forestry uses, or associated with a suitable rural enterprise. The appeal scheme would not be for one of these, and it is clear from the supporting text to UDP Policy HP6 that the policy seeks to protect the character and appearance of the countryside.
7. The UDP is now beyond the period for which it planned, which could reduce the weight attributed to policies that look to an out-of-date evidence base, or that are no longer consistent with *Planning Policy Wales – 9<sup>th</sup> edition* ('PPW'). However, on this matter it is apparent that the delivery of sustainable development underpins the UDP's policies and this is consistent with PPW.
8. PPW confirms "sustainable development" to mean the process of improving the economic, social, environmental and cultural well-being of Wales, and that the planning system provides for a presumption in favour of sustainable development. PPW promotes sustainability through good design, highlighting that design goes beyond aesthetics to matters relevant to the consideration of sustainable development, and this is reflected in Technical Advice Note (TAN) 12: *Design*.
9. The Sarn Meadow plot has a frontage onto Gwreiddyn Lane. A field wraps around the other three sides of the plot, and also forms the highway boundary on one side of the junction of Gwreiddyn Lane and the B4392. Gwreiddyn Lane is a quiet narrow rural highway, whereas the B4392 is a much busier road that carries traffic to and from Guilsfield. In addition to development on the Sarn Meadow plot, the proposal would extend the existing footway on the edge of Guilsfield along the B4392 to the junction with Gwreiddyn Lane.
10. The Council Officer's report on the application noted the land around Sarn Meadow to be domestic garden, hardstanding, a pond and agricultural land. Unlike the plot of Sarn Meadow, the field has irregular boundaries that are with two highways, a watercourse and an area of land to the north that also contains a rural dwelling. At present, this watercourse and the land immediately around it provide a (flood zone and) natural boundary to development within the village, and the appeal site lies beyond it. This causes the Sarn Meadow plot to be distinct and separate from the village.
11. A higher density of development at Sarn Meadow reasonably would be expected to emphasise the inset rectangular plot boundary and its divergence from the historic field patterns around it. The separation of the proposed dwellings from the village would be evident in views from the highway and the edge of the village. Application drawings show future planting in the field, but details of this are yet to be known and the planting of trees between the site and the village would be likely to reinforce the visual separation. In any event, the appeal proposal would not appear as a logical addition to the settlement, or to the occasional development in the countryside around it.

12. As such and in contrast to existing development on the edge of the village, the proposed development would not sit comfortably in this rural landscape and would be unacceptably harmful to its character and appearance. This conflicts with UDP Policies GP1 and ENV2 which are only permissive of development that would complement and be appropriate to the character of the locality, and in this regard, the appeal proposal conflicts with the relevant parts of PPW and TAN12.

#### *Other matters*

13. The appellant seeks great weight to be given to the Council Officer's assessment, which took a view on matters that included character and appearance and led to a recommendation of approval. However, a conclusion in relation to character and appearance is a matter of judgement, as is the weight to be attributed to conflict with adopted planning policy and other matters. The application was determined by the Council which, in exercising its judgement, came to a different view on these.

#### The site access and footpath

14. Sarn Meadow already has a residential access onto Gwreiddyn Lane, and the proposed access would be shared by all of the dwellings on the plot. The proposed access would provide adequate visibility splays along Gwreiddyn Lane, and given nature of the highway and its traffic, the proposed access would provide a safe and suitable access to the development, as would the proposed additional length of footway.

#### Housing provision

15. Paragraphs 8.1 and 8.2 of Technical Advice Note (TAN) 1: *Joint Housing Land Availability Studies* (January 2015) address *Transitional arrangements* where a local planning authority does not have an adopted Local Development Plan and cannot demonstrate a five year supply of housing. When the Council determined the application it referred to data from 01/04/16 that indicated there to be 2.2 years housing land supply in Powys. TAN1 paragraphs 8.1 and 8.2 do not deal with the weight to be attributed to the lack of a five year housing land supply.
16. Paragraph 6.2 of TAN1 states that when housing land supply is below the five year requirement, "*...the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies.*" As noted above, the appeal proposal conflicts with development plan and national planning policies. Therefore, while the appeal scheme would provide an additional five dwellings that would contribute to meeting the housing need, this only provides limited weight in favour of the proposal.

#### Precedent

17. Each application and appeal falls to be determined on its individual merits. However, evidence refers to other housing sites outside settlement boundaries that have been granted planning permission by the Council. Full details regarding these other sites have not been provided, nor has it been shown that the circumstances of the other sites are comparable to those of the current appeal site. As a consequence, these other sites do not act as a precedent in this case.

#### Sustainable development

18. In regard to sustainable development, the cultural impact of the appeal proposal would appear to be neutral. While the close proximity of the site to Guilsfield would ensure that services within the village would be accessible to occupiers of the

proposed dwellings, the above main issue confirms that the proposed development would be harmful to the environment in relation to its character and appearance. There would be social benefit from the appeal scheme through the provision of new homes and the support that occupiers of the dwellings would provide for local services. Also, there would be economic benefit from the construction and occupation of the dwellings. However, these benefits could also be achieved from policy compliant development elsewhere, and it has not been shown that less harmful sites are unavailable. Consequently, these benefits only provide limited weight in favour of the appeal scheme.

### **Conclusion**

19. For the reasons above, the proposed development would conflict with UDP policies HP4, HP6, GP1 and ENV2, and the relevant parts of PPW and TAN12. All representations in this case have been taken into account and no matters, including the scope of possible planning conditions, have been found to outweigh the significant weight attributed to the identified harm and policy conflict. Accordingly, the proposal would not be a sustainable form of development and the appeal should be dismissed.
20. 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.

*Clive Sproule*

INSPECTOR