



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/04/18

gan Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 25/05/2018

Appeal Decision

Site visit made on 13/04/18

by Declan Beggan BSc (Hons) MSc DipTP
DipMan MRTPI

an Inspector appointed by the Welsh Ministers

Date: 25/05/2018

Appeal Ref: APP/T6850/A/17/3192229

Site address: Land adjacent to Middletown, Welshpool, Powys

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 Mr Philip Hughes against the decision of Powys County Council.
 - The application Ref P/2017/0464, dated 20 April 2017, was refused by notice dated 29 November 2017.
 - The development proposed is for the 'Erection of five dwellings to include an affordable dwelling and construction of new vehicular access'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development varies slightly between that stated on the planning application form and that on the Council's refusal notice; the latter 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 the site will be off a minor road that leads in a northerly direction 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 addition to the internal road configuration. 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 otherwise; in Wales the development plan is the local development plan adopted in relation to that area¹. Both main parties were given the opportunity to make comments on the LDP in relation to the proposed development; the appellant made

¹ Planning and Compulsory Purchase Act 2004 s.38 (4)

further submissions in this regard and based on these submissions, and 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 the defined settlement limit for Middletown. The field is bounded by a minor road to the south, a dwelling to the east, hedgerows to the north, and grazing land to the south-west.
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. The appellant has initially sought to justify the development of the site based on the lack of a 5 year housing land supply, however that was in the context of a different development plan and housing land supply situation; 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. The considerable weight attached to the need to increase housing land supply, as set out in Technical Advice Note 1: Joint Housing Land Availability Studies, does not therefore apply in this case.
9. The LDP distributes development according to a sustainable hierarchy of settlements as identified in policy SP5 and which classes Middletown as a large village; such settlements are deemed to be able accommodate housing growth in proportion to their size and facilities, and whilst they provide important local services to their own and surrounding communities, they do not possess the wide range of facilities and functions found in towns. SP5 establishes development limits for settlements such as Middletown by the designation of a development boundary. 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 for affordable need and which form a logical extension to the settlement; policy H1 reiterates this stance. Policy H2 identifies land for the provision of dwellings on housing sites capable of providing 5 or more dwellings, and further land on small sites and windfall sites.
10. I appreciate policy SP6 refers to distribution of housing growth for large villages across the county as a percentage and not as an actual target, and the policy does not measure when sustainable growth for a settlement has been exceeded in terms of a threshold target, nonetheless, the overall approach of the LDP is to seek to promote

sustainable development through its strategic settlement hierarchy which identifies sustainable growth within settlement boundaries, and to ensure the open countryside, as a finite resource is protected from uncontrolled and unsustainable development. The previously cited LDP policies 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.

11. The appellant refers to the appeal site being a logical extension of the settlement, whilst also providing an affordable dwelling. Policy H1 refers to permitting sites outside of development boundaries where they form a logical extension to the settlement and are solely to meet affordable needs; the proposed development would not achieve this requirement of the policy. To my mind the proposed development does not meet any of above LDP policies, and is not 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 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. The proposed development 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. The presumption in favour of sustainable development as set out in PPW does not apply in this instance having regard to the key principles and key policy objectives of sustainable development.
14. Drawing the threads of the above together, 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 as contained within PPW.

Other Matters

15. 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 appellant or other benefits such as the provision of one affordable dwelling or 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.
16. In support of the proposal, the appellant has raised a number of other similar developments in either Middletown or other large villages where the Council have been minded to grant planning permission outside of settlement boundaries, however those schemes were made in a very different development plan context and five year

housing land supply situation, and therefore are not directly comparable to the merits of this appeal. In any event I have considered the appeal proposal on its own merits.

17. Objectors to the development raised issues relating to highway safety and 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. Other concerns state that land that would be subject to certain works related to the development are not within the control of the appellant, and that other rights of access may be compromised, however bearing in mind my findings on the main issue I do not intend to pursue these matters any further.

Conclusion

18. After taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal should be dismissed.
19. 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