



Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 27/10/2023

Appeal reference: CAS-02611-C6D0J9

Site address: Tanyrawel, Swansea Road, Gorseinon, Swansea, SA4 4LQ

- 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 and Mrs Gutteling against the decision of the City and County of Swansea Council.
 - The application Ref 2022/1939/FUL, dated 12 August 2022, was refused by notice dated 21 November 2022.
 - The development proposed is demolition of existing dwelling house and for the erection of a replacement dwelling and associated development.
 - A site visit was made on 26 September 2023.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was made, national planning policy contained in Chapter 6 of Planning Policy Wales Edition 11 has been updated. This includes securing a net benefit for biodiversity and ecosystem resilience through a stepwise approach. However, given that I have found the development to be unacceptable on other substantive matters, I have not made a finding on the implications of the new policy as it would not alter the outcome of the appeal.

Main Issues

3. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Wedge;
 - ii) the effect of the proposal on the openness of the Green Wedge, and the character and appearance of the surrounding area;
 - iii) if the scheme is inappropriate development in a Green Wedge, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so

- as to amount to very exceptional circumstances necessary to justify the harm to the Green Wedge;
- iv) the effect of the development on protected species; and
- v) whether the proposal would result in an unacceptable risk of flooding.

Reasons

4. The appeal site forms part of an area of open countryside located between the built up area of Kingsbridge and a small commercial area to the east, characterised by predominantly open agricultural land interspersed with mature hedging and tree lined boundaries. The site forms a narrow linear parcel of land located adjacent to the roundabout and intersection of the A484 and the B4560, separated by a wide open verge with several mature trees. The eastern section of the site rises to the east to its boundary with a detached dwelling, White Lodge, and consists of an area of overgrown grassland bounded to the south by a mature hedgeline. The central section of the site is occupied by a modest low-lying detached bungalow at right angles to the adjacent footway with a driveway to the front. The western section of the site consists of overgrown grassland bounded by a post and rail fence, with a separate field access, which gently slopes down to the western boundary of the site. The northern section of the site consists of a belt of mature trees with a watercourse running through it.

Inappropriate development

5. The site is located within a Green Wedge as allocated by policy ER 3 of the Swansea Local Development Plan (LDP). This policy states that within the designated Green Wedge development will only be permitted if it maintains its openness and character of the land, unless the development is for acceptable purposes as outlined in national policy relating to Green Wedge designations. Planning Policy Wales Edition 11 (PPW) sets out a general presumption against inappropriate development in Green Wedges and says that planning permission should not be granted for inappropriate development except in very exceptional circumstances.
6. PPW advises that the construction of new buildings in a Green Wedge is inappropriate development unless it is for, amongst other things, limited extension, alteration or replacement of existing dwellings. The proposed development would replace an existing modest and low-lying bungalow with a significantly larger 5 bedroom 2 storey dwelling along with a detached outbuilding containing an office. Relative to the existing bungalow, it would occupy a substantial footprint and would be a taller and bulkier development encroaching into a larger area of the site. It would substantially increase the scale of built form on the site and consequently, I find that the proposal dwelling would not be a limited replacement and would therefore be inappropriate development in the Green Wedge.

Openness

7. PPW identifies that openness is an essential characteristic of a green wedge. It does not specifically define openness, but it is generally accepted to be the absence of urban sprawl and intrusion on the countryside. The site is located within an open gap with the existing dwelling occupying a small part of the overall site which maintains its openness. In this context, the scale of the proposed dwelling in combination with the office outbuilding and high garden walls adjoining the dwelling, would erode the openness of the site. Despite the western part of the site remaining undeveloped, the reorientation of the dwelling and increase in built form would result in encroachment into the undeveloped open eastern section of the site. As a consequence, the proposal would cause significant harm to the openness of the Green Wedge, contrary to the purposes of its designation. The proposal is therefore contrary to LDP Policy ER 3 and PPW.

Character and appearance

8. Policy PS 2 of the LDP seeks to, amongst other things, ensure that developments enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. Policy CV 3 seeks to safeguard countryside character and permits replacement dwellings where, amongst other things, the proposal is of a high quality design and respects and/or enhances its setting in design, character, scale, siting and sustainability. The appeal site is located within a Special Landscape Area (SLA) as defined by policy ER 5 of the LDP. This policy states that development will only be permitted where there is no significant adverse impact on the character and quality of the landscape. Amongst other things, the SLA (Garngoch and Lower Afan Llan Valley) is identified as supporting a locally rare and distinctive lowland landscape that has the desired effect of separating the surrounding settlements.
9. The existing bungalow has little architectural merit, but it currently has a muted impact on its open countryside setting. Although the proposal would not increase the number of residential units, having regard to the proposed dwelling's height and footprint, the flat roof office outbuilding and extensive high boundary walls, the appeal proposal would result in a replacement dwelling of a significant scale and bulk. Given its position centrally within the site on an east west axis, the proposed development would also extend the built form eastwards into the undeveloped section of the site. Consequently, the development would cause the urbanisation of this site giving it a significantly greater built-up appearance that would undermine the special qualities of the wider landscape.
10. The site is visually prominent given its position adjacent to the roundabout and intersection of the A484 and the B4560 and the low open boundaries of the western section of the site. I accept that the site affords some level of hedgerow screening from views in a westerly direction on the B4560, but the height of the proposed dwelling would be significantly higher than the hedge and would still be largely visible. Whilst the appeal site is near the small commercial area and adjacent dwelling, White Lodge, to the east, given its location and site characteristics which I have identified above, the site relates more to the open space between this area and the settlement boundary. Furthermore, the SLA was designated despite the established commercial area to the east, recognising that it did not detract from the purpose of the designation of the SLA.
11. The Landscape Strategy and Landscape Strategy Plan shows soft landscaping proposals, including, retention of trees, tree and hedge planting, wildflower grassland and other biodiversity features. However, whilst beneficial to biodiversity and ecosystem resilience, this is a neutral factor in the planning balance. These measures would do little to mitigate the scale and bulk of the built form of the proposal and its visual intrusion into the open countryside.
12. The Council contend that the curtilage of the existing dwelling would be extended. However, the extent of the original curtilage is unclear due to the condition of the site and the lack of formal boundary treatments. Nonetheless, even if it was clear, this would not justify the identified harm.
13. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area and the SLA, contrary to policies PS 2, CV 3 and ER 5 of the LDP.

Other considerations

14. I recognise that the existing bungalow is in poor condition and the development would provide an energy efficient, good quality family house with a contemporary and innovative

design, and that the comprehensive landscape strategy could provide biodiversity benefits. However, PPW provides a presumption against inappropriate development in the green wedge and confirms that substantial weight should be afforded to any harmful effects on such designations. In this case, any consequential benefits, together with any economic benefits, would be limited given that it would only relate to a single dwelling. Consequently, I find that there are no other considerations that clearly outweigh the harm by reason of inappropriateness and the very exceptional circumstances necessary to justify the harm to the Green Wedge do not exist.

Protected Species

15. The Preliminary Roost Assessment (PRA) submitted with the planning application assessed the existing bungalow to be demolished as having moderate potential for summer roosting bats and recommended two emergence/re-entry surveys be undertaken. A Preliminary Ecological Appraisal (PEA) of the site was submitted with the appeal, however this did not address the issue of the recommended two emergence/re-entry bat surveys.
16. During the appeal the appellant also submitted a PRA update, however, this only undertook one emergence/re-entry survey and recommends an additional dawn activity survey during the 2024 survey season to ensure compliance with the bat survey guidance. A further survey is therefore required in order for the ecological context of the development and the significance of its impact to be fully understood. In these circumstances, it has not been demonstrated that the proposal would not cause harm to protected species, and it is therefore contrary to Policy ER 8 of the LDP which seeks to ensure that development proposals do not have a significant adverse effect on the resilience of protected habitats and species.

Flooding

17. The appeal site is located within Zone A as identified in Natural Resources Wales (NRW) Development Advice Maps. However, NRW's Flood Maps for Planning (FMfP) provides the most up to date information for flooding which is a material consideration. The FMfP shows that the ordinary watercourse in the north of the site falls within Flood Zones 2 and 3 (Surface Water and Small Watercourses). Whilst there may be areas of unmapped flooding, the extent of the Zone 2 and 3 is contained to the watercourse corridor which is not directly affected by the proposed development. Furthermore, an assessment provided by the appellant shows no indication of any existing overland flowpaths to consider. On the available evidence, I find that the proposed development would be unlikely to be subject to any significant risk of flooding from the ordinary watercourse. It would therefore comply with Policy RP 5 of the LDP which seeks to avoid flooding risk.

Planning Balance and Conclusion

18. I find that the proposed development would be inappropriate development that would harm the openness of the Green Wedge, and no very exceptional circumstances exist to clearly outweigh this harm. It would also be harmful to the character and appearance of the surrounding area and protected species. Whilst there would be no unacceptable flood risk, this does not carry sufficient weight to justify the development. For these reasons, and having regard to all matters raised, the appeal is 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 one or more of the Welsh Ministers' well-being objectives.

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H Smith

INSPECTOR