



## Appeal Decision

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by I Stevens BA (Hons) MCD MBA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 28/12/2023

Appeal reference: CAS-02839-M9S1F3

Site address: Church Terrace, A541 North Junction to Dual Alyn Bank, Pontblyddyn, CH7 4HQ

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- 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 Trevor Edwards against the decision of Flintshire County Council.
  - The application Ref OUT/000697/22, dated 17 November 2022, was refused by notice dated 15 February 2023.
  - The development proposed is erection of a pair of small semi-detached dwellings.
  - A site visit was made on 6 December 2023.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The planning application is made in outline with all matters reserved for later determination. An illustrative plan has been provided, which shows the elevations and layout for a three-storey dwelling. The dwelling scale parameters range between approximately 7.5m-8.5m depth, 4.5-5.5m width, and 7.5-8.5m height.

### Main Issue

3. The main issue is whether the proposal is appropriate having regard to the local rural restraint strategy.

### Reasons

4. The appeal site forms part of a residential garden at one end of a row of five terraced dwellings. The site fronts onto the A541, is fenced and gradually slopes down from the highway. A footpath and driveway run along the side of the site, beyond which lies a field. A car park serving the adjacent listed Christ Church Pontblyddyn is on the opposite side of the road. The immediate area is characterised by fields and trees, interspersed with sporadic development along the highway.
5. The appeal site is in the open countryside, as it lies beyond any defined settlement boundary in the Flintshire Local Development Plan 2015-2030 (LDP), adopted in January

2023. Policy PC1 of the LDP advises that outside of settlement boundaries certain types of new development will be permitted. The supporting text explains that the policy seeks to strictly control new development in the open countryside by identifying several specific types which may be acceptable.

6. Criterion a of Policy PC1 supports specific forms of housing development as set out in Policy HN4 and its associated policies. Policy HN4 permits certain types of housing development outside defined settlement boundaries, the details of which are set out in a series of accompanying policies. Criteria b, c, and d of the policy do not apply to the appeal proposal as there are no qualifying buildings on-site. As for criteria a and g, I have seen no evidence that the scheme would meet national planning policy and advice on rural enterprise dwellings or One Planet Developments. As there is no settlement boundary adjacent to the appeal site, it cannot be considered as an affordable housing exception scheme under criterion f of the policy.
7. Criterion e of Policy HN4 covers sensitive infill development within an appropriate group of dwellings in the countryside. The corresponding policy, HN4-C, supports infill development for one or two dwellings outside settlement boundaries, provided the proposal meets a proven local housing need and satisfies other policy criteria.
8. In terms of the criteria, the appeal proposal would not comprise a small gap within a continuously developed frontage, as there are no buildings on its other side. Although the appellant refers to historic plans showing dwellings to the rear of the appeal site, this has long since been cleared. My site visit observations confirmed that the surrounding area is not a focus of dwellings, with the terrace group bordering field parcels. I agree with the Council that the core area of Pontblyddyn village lies further south along the highway, near the junction of the A541 and A5102. The appeal site is separate from that area, with only limited pockets of housing in between. In this context, the proposal would extend ribbon development further along the highway, perpetuating the fragmented and sporadic built form. While the proposal may not represent overdevelopment of the plot, it would be contrary to the locational criteria of Policy HN4-C.
9. The appellant has referred to evidence of the need for affordable housing in the area. While the evidence is not disputed, there are no firm assurances that the appeal proposal is for affordable housing to meet local needs. This is an additional requirement of Policy HN4-C, whereby proposals are required to be for local person(s) in need of affordable housing with a strong local connection to the community. The policy supporting text adds that it will be necessary for the applicant to provide the information relating to the specific housing need to be met and the arrangements to be put in place for that need to be provided for. In this instance, the means of securing affordable housing in perpetuity have not been demonstrated.
10. While the appellant considers the proposal would assist in meeting the Council's housing land supply targets, the planning context has changed with adoption of the Flintshire LDP. The LDP identifies a settlement hierarchy and spatial distribution strategy to meet housing needs. This has been tested at examination in public and found sound. Within this policy framework, the appeal scheme does not comply with the overall thrust of the relevant housing policy. There are no convincing arguments as to why the proposal should represent a departure to the adopted policies. In terms of the reference to planning permissions for dwellings nearby, although I have not seen details of those approvals, I understand they were for a replacement dwelling and residential conversion of a building. As such, their policy contexts differ to the appeal scheme which is for new-build housing in the countryside. Those approvals do not alter my conclusions on the acceptability of the proposal.

11. I conclude that the proposal would not be an appropriate for of development, having regard to the local rural restraint strategy. It would therefore be contrary to LDP Policies PC1, HN4, and HN4-C.

### **Other Matters**

12. Concerns have been raised regarding the proposed design of the dwellings, the effect of development on the setting of the nearby listed Christ Church Pontblyddyn, and the phosphorous impact of proposed development on water quality given its location within the River Dee and Bala Lake Special Area of Conservation. Given my conclusion on the main issue, these matters have not been determinative in my decision.
13. On 18 October 2023, the Welsh Government published an update to Chapter 6 of Planning Policy Wales (PPW), which covers green infrastructure, net benefit for biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. I have not made a finding on the implications of the new policy change as it would not alter the outcome of the appeal, given that I find it unacceptable because of its conflict with the Council's rural restraint strategy.

### **Conclusion**

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.
15. 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.

*I Stevens*

INSPECTOR