

**Flintshire Local Development Plan
Examination in Public
Land at Bryn Y Baal
Scheduled Hearing 11 May 2021**

Objection on behalf of Fryer and Phillips:1227700 re Policy PC1: Relationship of development to settlement boundaries

Land at Bryn Y Baal Candidate site MYN006 regarding extension to settlement boundary and roll back green barrier

1.0 Background

- 1.1 Representations in relation to this site have been made with reference to a number of policies including PC1 (relationship of development to settlement boundaries), EN11 (Green Barrier) and HN8 (Gypsy and Traveller Sites). The nature of the objection is that the site is suitable for very modest development which requires an alteration to the settlement boundary, drawing back of the green barrier. Alternatively, the site would be suitable to accommodate a small family traveller site which would not necessarily involve changes to settlement boundary or green barrier due to the special considerations that apply in the case of such proposals.
- 1.2 This statement focuses on Policy PC 1 with the other two policy issues being dealt with in relation to Matters 14 and 16 but inevitably this statement does refer to the green barrier.

2.0 The site

- 2.1 By way of context the site, shown on the attached plan and in fig 1 below, is located immediately abutting the settlement boundary of Mynydd Isa. The aerial view clearly shows the distinct nature of the site with its strong natural and physical boundaries. It also shows how the re-alignment of Bryn Y Baal Road has created an 'island' formed by the existing highway and the old road which is still in situ. This has effectively precluded the use of the site for agricultural purposes as it is cut off from any other agricultural land resulting in the site having no reasonable beneficial use.
- 2.2 The site has planning history as for a significant period of time it was used as a builder's yard. This was subject to an application for a certificate of lawfulness and subsequent appeal which ultimately was not successful on the grounds that it fell two months short of the 10 year rule. There was a subsequent application for 4 dwellings on the site which was dismissed on appeal on green barrier grounds. The Council, in rejecting this current request to amend the settlement boundary and roll back the green barrier in order to include the site within the settlement, refers to the Inspector's appeal report and his comments on the green barrier together with those of the UDP Inspector. The Council

considers that the proposed extension of the settlement boundary, and the removal of this site from the green barrier, although small, appears illogical to the current pattern of built form of Mynydd Isa resulting in harm to the function of the green barrier and open countryside.

3.0 The Objector's Case

- 3.1 The previous decisions were made in the context of the development plan at the time. The objector was advised that the site's location outside the settlement boundary and within the green barrier would make it difficult to obtain any form of consent for development as these were 'strategic' matters that are best left for consideration through the development plan process. The decision of the Inspector in dismissing the previous planning application is therefore understandable. With regard to the UDP Inspector's view she acknowledged that the site made a "small" contribution to the green barrier. Had the council been proposing a change to the settlement boundary and green barrier at that time her view, in the balance of material considerations, may well have been different.
- 3.2 The UDP is 6 years time-expired and now is the appropriate time to consider the issue afresh for the new plan. The Council considers that the extension would result in the settlement boundary protruding in a ribbon style of development which would not be any form of rounding off of the settlement.
- 3.3 The objector's case is well illustrated in the sequence of aerial images below which shows its relationship to the settlement and shows the impact of other developments on the northern boundary of Mynydd Isa.

Figure 1 shows the site as it is currently whilst figure 2 shows the site in use (albeit unlawfully), in 2006. Both these images show the strong defensible boundaries of the site which distinguishes it from the open countryside beyond. Fig 1 shows how it abuts and links with the existing settlement which marks the current settlement boundary as drawn in the UDP.

Figure 3 is also a 2006 image showing development under construction extending along Bryn Road opposite the Argoed School. This was allocated in the UDP having previously been in the open countryside.

Figure 4 is a 2020 image showing further development of 59 houses under construction in the open countryside outside of the UDP settlement boundary. This was refused in October 2015 against officer recommendation for the following reason, "*The proposal constitutes development in the open countryside outside a settlement boundary and would have unacceptable impact on the character of the countryside contrary to Policy GEN3 of the Flintshire Unitary Development Plan*".

- 3.4 The development was subsequently allowed on appeal, reference APP/A6835/A/15/3137719. The main issues of the appeal were the lack of a 5 year housing land supply and the effect the development would have on the character of the open countryside. With regard to the latter the Inspector made reference to observing the site in plan view. It was noted that the majority of the site appeared as a projection into the open countryside in the form of a large triangle of land. Nonetheless from several

viewpoints the development would be set against existing residential development. It was also observed that the countryside about the appeal site was typified by hedgerows which filtered views. The Inspector acknowledged that that the development would fundamentally change the character of the area but, *“as a result of its proximity and relationship to existing modern housing; its limited visibility in the wider area; and its modest extent I do not consider, however, that it would represent a significant encroachment into the surrounding countryside”*.

- 3.5 It is relevant to note that the appeal Inspector also made reference to the UDP Inspector's report in which she gave her reasons for removing the allocation of the site from the Deposit UDP. The appeal Inspector considered that *“The UDP inspector's opinions are concisely expressed as it is appropriate and realistic in the context of a development plan examination. It is not clear, however, on what evidence she was basing these”*.
- 3.6 Using the same logic as the appeal Inspector the impact of the objection site on the character of the area would be substantially less than the 59 dwellings at Issa Farm. The boundaries of the site are already well screened by mature dense hedgerow and this small development would have very little negative impact. There should therefore be no objection in terms of any perceived negative impact on the character of the countryside. The Council's view that it constitutes an extension of ribbon development has little substance as the existing settlement pattern is compact and not in ribbon form. The reality is that it represents a well contained and logical rounding off of development with no prospect of it being extended further into the countryside. It is in many ways a rather unique site which has been blighted from beneficial use for many years following the re-alignment of Bryn Y Baal Road. A small development of 3 or 4 dwellings would bring about its sustainable and beneficial use.
- 3.7 The site is clearly well related to the existing settlement and this is obvious from the images below. It contrasts rather starkly to the Warren Hall site, (Fig 4 below), which is far removed from other settlements and separated from Broughton by the very substantial and busy A55. Despite the obvious physical and cultural separation the Council considers it to be well related to the settlement pattern. This is stretching the normal planning assessment of such situations far beyond what may be considered reasonable.

4.0 Green Barrier

- 4.1 This leaves the issue of the incursion into the green barrier. This is to be addressed in more detail when it comes to Matter 16 but it is relevant to also make brief reference at this stage. Figure 3 is useful in illustrating its position in the green barrier the primary purpose of which is to maintain physical separation between Mynnydd Isa and New Brighton. It can be seen that the green barrier is relatively narrow at this point. The key issue is not whether development would narrow the gap as a matter of fact, because it clearly does, but whether drawing the green barrier back to exclude the site makes any material and harmful difference to the perception of the physical separation of the two settlements.
- 4.2 The character of the site, with its distinctive island appearance formed both by its enclosing hedgerow and the clearly visible former highway with its two access points onto

Bryn Y Baal Road, is materially different in appearance and character of the open farmed countryside which comprises the open landscape up to New Brighton. The open character of the green barrier commences from the northern corner of the site after the clearly marked junction with the former highway rather than the southern corner close to the Yr Ydlan cul de sac. In addition the traditional former farm dwelling with its associated outbuildings overlaps in visual terms with the southern part of the objection site. Together these physical characteristics make up for a substantially different character of landscape to the extent that they do not form part of the physical open gap associated with green barrier designation. It is its 'openness' that is the primary separation consideration between settlements. It has to be so by definition as the test of maintaining openness is a determining factor in development management decision making.

- 4.3 In this instance another major character of the physical separation of the two settlements is the A494 Mold by pass and the bridge that passes over it. This is illustrated in Figure 3 and it can be seen that if the objection site is removed from the green barrier it still leaves the gap between the two settlements equidistant on either side of the A494.

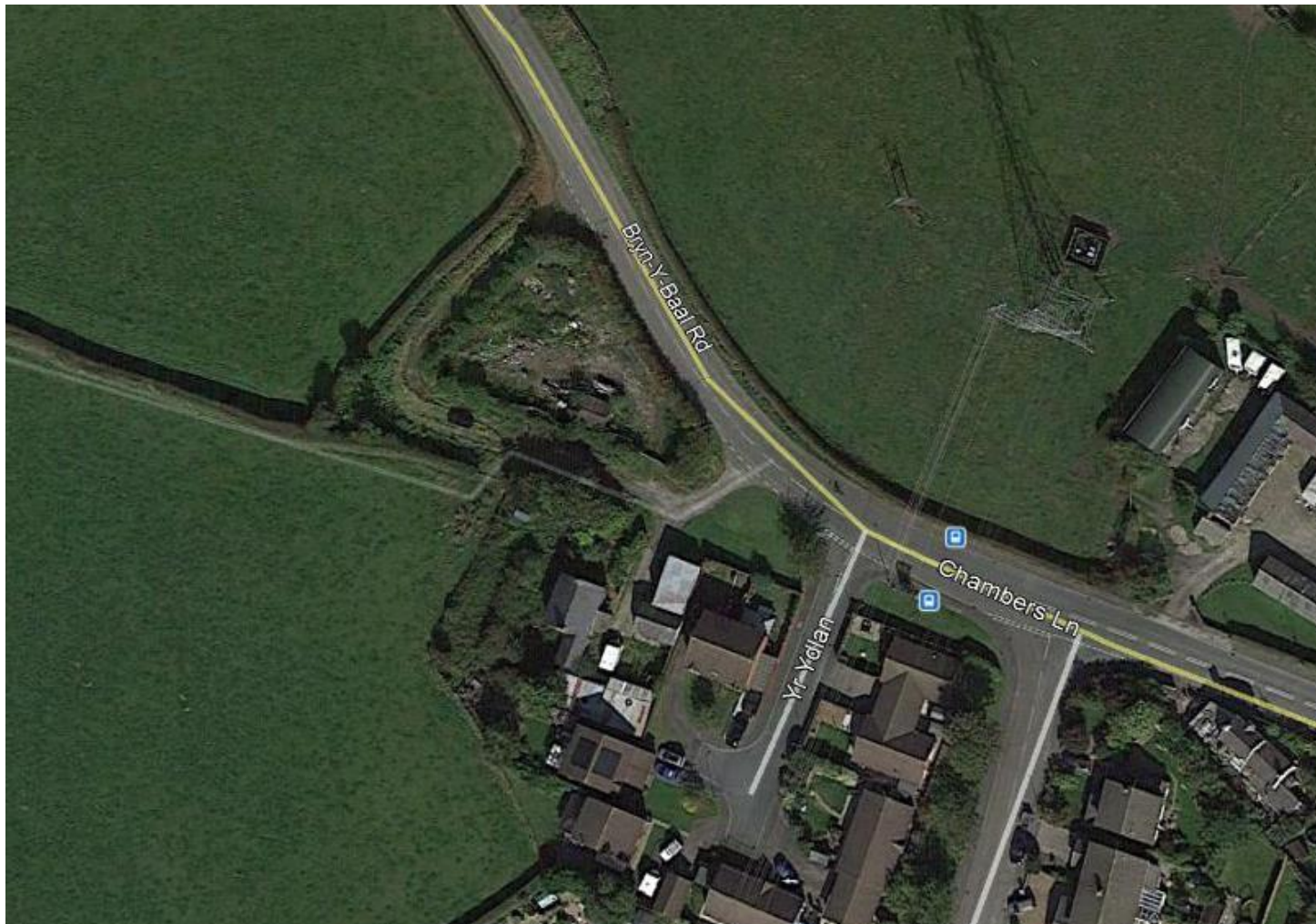


Figure 1 Site at present



Figure 2 Site in 2006



Figure 3 New development in 2006



Figure 4 Further development under construction 2020

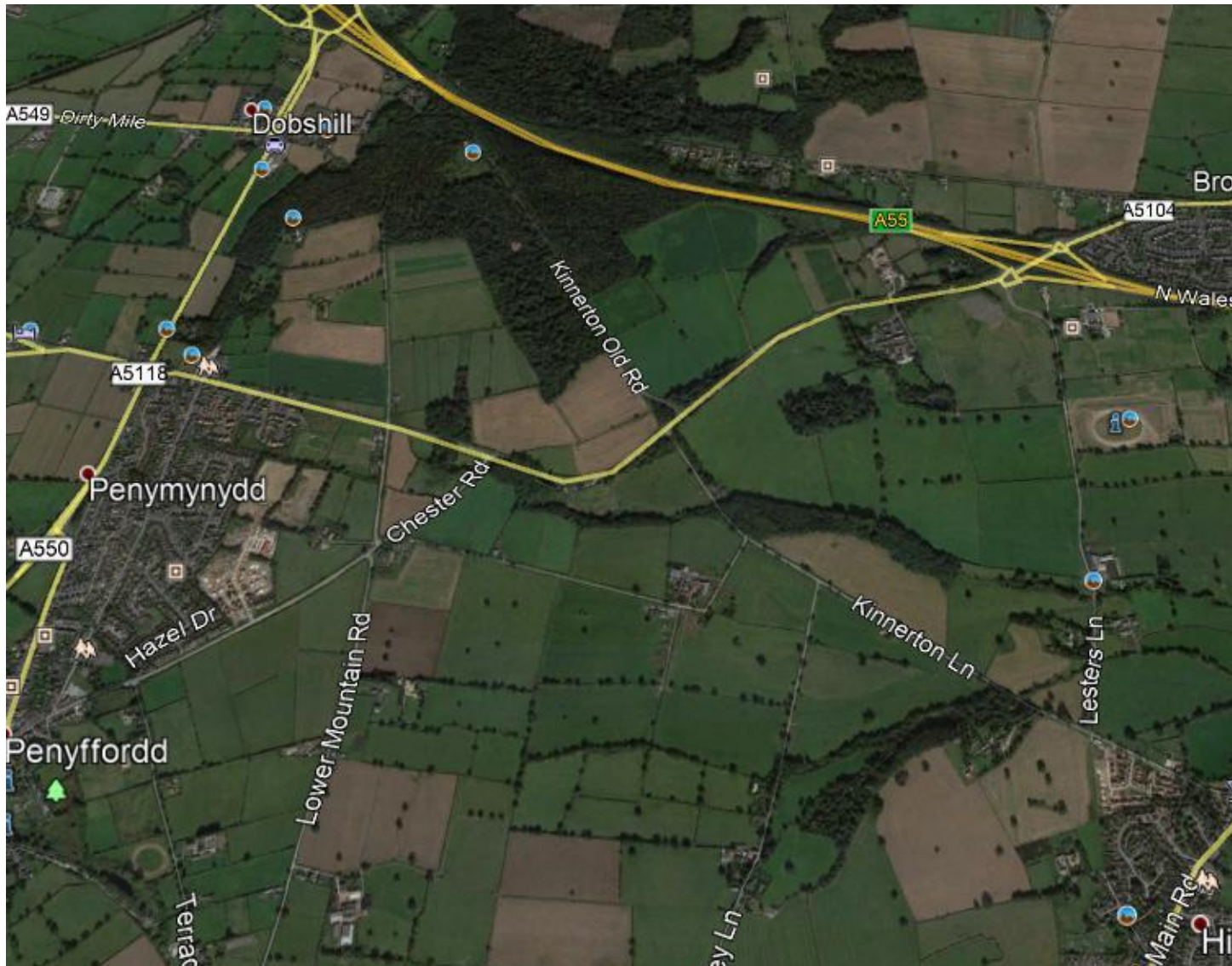


Figure 5 Warren Hall, Broughton, Penyffordd and A55

5.0 Conclusion

- 5.1 The Plan fails the test of soundness in that it is not appropriate for the area of Bryn Y Baal and Mynydd Isa. The objection site is very much an anomaly brought about by previous planning and highway decisions to re-align Bryn Y Baal. This has effectively blighted the site from any beneficial use leaving it open to misuse, fly tipping and becoming an eyesore to the detriment of the character of the area.
- 5.2 The site is in fact well related to the settlement and for the reasons given above the very minor drawing back of the green barrier at this location will not detract from its function or

effectiveness. Such an amendment will follow the logical applied by previous developmnet management and policy decisions including that of the Issa Farm appeal Inspector

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25 April 2021