



Eich cyf/Your ref:
Ein cyf/Our ref: qA1232723

Mr Jon Wilks
Asbri Planning
Unit 9, Oak Tree Court
Mulberry Drive
Cardiff Gate Business Park
Cardiff
CF23 8RS

1 February 2016

Dear Mr Wilks

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY TAYLOR WIMPEY PLC FOR RESIDENTIAL DEVELOPMENT OF UP
TO 200 NO. DWELLINGS AND ASSOCIATED WORK AT LAND SOUTH OF PORT
ROAD WEST, WEYCOCK CROSS, BARRY, VALE OF GLAMORGAN.**

1. Consideration has been given to the report of the Inspector, Vicki Hirst BA (Hons) PG Dip TP MA MRTPI, who held a public inquiry in respect of your client's appeal against a failure to give notice within the prescribed period of a decision on an application for outline planning permission for "Residential development of up to 200 no. dwellings and associated works" on land south of Port Road West, Weycock Cross, Barry, Vale of Glamorgan.
2. On the 27 April 2015 the Welsh Ministers directed under section 79 and paragraph 3(1) of Schedule 6 to the Town and Country Planning Act 1990 ("the 1990 Act") that the appeal be recovered for their determination. The reason for this direction was because the proposal relates to residential development of more than 150 houses or on more than 6 hectares of land. Under the provisions of the Government of Wales Act 2006 the power to determine applications under section 79 of the 1990 Act has been transferred to the Welsh Ministers, these functions are within the portfolio of the Minister for Natural Resources and have been exercised by me as Minister.
3. The appeal was dealt with at a public inquiry held on 16-18 September 2015 and a site visit was carried out on 18 September 2015. The Inspector's conclusions are set out in paragraphs 173 – 230 of her report, a copy of which is enclosed. The Inspector recommended that the appeal be dismissed.

4. In the Inspector's view, the main considerations in this appeal are:
 - "Whether the current development plan policies are out dated or have been superseded;
 - Whether the proposal provides an appropriate site for housing having regard to the current development plan and its effect on the green wedge;
 - Whether there are other material considerations that would justify granting permission in particular with regard to housing supply and the sustainable credentials if the development; and
 - If allowing the appeal would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken into account in the Local Development Plan ("LDP") context."
5. Subject to the comments at paragraphs 6 - 11 below, I agree with the Inspector's conclusions for the reasons given by her and accept her recommendation.
6. Planning Policy Wales ("PPW") provides the relevant national planning policy framework for this appeal. The relevant edition at the time of the appeal was Edition 7 which included an updated Chapter 2 (local development plans) (August 2015). Whilst superseded, I consider that the version of Chapter 2 contained in PPW prior to the August 2015 update, referred to by the both the Inspector and the appellant in their submissions, sets out a sound approach to assessing the weight to attach to outdated/ superseded policies in Unitary Development Plans ("UDPs") and I am satisfied that this issue does not materially affect the recommendation of the Inspector, or the decision of the Minister.
7. It is noted that Edition 8 of PPW has now been published (January 2016) where Chapter 2 contains substantially the same wording as the August 2015 update. I am satisfied that this update does not materially affect the recommendation of the Inspector, or the decision of the Minister.
8. The Inspector states that the Council's adopted development plan is the Vale of Glamorgan UDP which is the relevant plan against which this application should be determined unless material considerations indicate otherwise. I agree with the Inspector on this matter. The Inspector also considers that whilst the relevant policies to this appeal are of some age, they remain in accordance with national policy in defining settlement boundaries and green wedges to manage the location of new housing development and the policies are neither outdated nor superseded. The Inspector states that the LDP review is the proper process for considering changes to the settlement boundaries and green wedges, not through individual applications. I have no reason to disagree with the Inspector's judgement on this matter.
9. With regard to the principle of the proposed development, the Inspector concludes that PPW provides a presumption against inappropriate development in green wedges and only allows such development in very exceptional circumstances and requires substantial weight to be given to any

harmful impact. The Inspector states that the proposal fails to accord with the principles of the adopted development plan and national policy as it proposes development outside any defined settlement boundaries, within the countryside on greenfield land and within a green wedge. She states that the development of this land would be harmful to the open nature of the green wedge and be prejudicial to the purpose of the designation, and this harm weighs heavily against the development. I agree with the Inspector's judgement on these matters.

10. I note that it is common ground between parties that the Council cannot currently demonstrate a 5 year housing supply. The Inspector concludes that the failure of the Council to be able to demonstrate a five year housing supply weighs in favour of the development. However, she also considers that this factor only holds considerable weight where the proposal would otherwise comply with development plan and national planning policies. I agree with the Inspector's conclusion that in this case the lack of a five year housing supply does not constitute such a very exceptional circumstance to allow inappropriate development within a green wedge.
11. With regard to the consideration of whether or not allowing the appeal would predetermine decisions which ought properly to be taken into account in the LDP context, the Inspector states that the proposal represents a significant scale of development in relation to the overall housing strategy for Barry. She concludes however, that the proposal would not be so prejudicial to the LDP to justify the dismissal of the appeal on this ground alone. I have no reason to disagree with the Inspector on this matter.

Recommendation

12. The Inspector recommended that the appeal be dismissed.

FORMAL DECISION

13. Subject to the comments at paragraphs 6 - 11 above, I agree with the Inspector's conclusions for the reasons given by her and accept her recommendation. Accordingly, I hereby dismiss this appeal and refuse outline planning permission for residential development of up to 200 no. dwellings and associated works on land south of Port Road West, Weycock Cross, Barry, Vale of Glamorgan.

14. A copy of this letter has been sent to the Vale of Glamorgan Council.

Yours sincerely

A handwritten signature in cursive script, reading "Carl Sargeant".

CARL SARGEANT AC / AM
Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources,

Enc: Inspector's report, leaflet 'H' and leaflet 'HC'.