Julie James AC/AM
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: qA1286640

Mr Gareth Barton
Turley
18 Windsor Place
Cardiff
CF10 3BY

[redacted]

3 October 2019

Dear Mr Barton

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77.
APPLICATION BY RICHBOROUGH ESTATES.
OUTLINE APPLICATION FOR UP TO 111 DWELLINGS, NEW VEHICULAR ACCESS FROM MONMOUTH ROAD AND EMERGENCY VEHICLE ACCESS TO STATION ROAD, PUBLIC OPEN SPACE AND ASSOCIATED LANDSCAPING, ENGINEERING AND INFRASTRUCTURE WORKS AT LAND SOUTH OF MONMOUTH ROAD, RAGLAN, MONMOUTHSHIRE.
APPLICATION NO: DM/2018/01050.

1. Consideration has been given to the report of the Inspector, Hywel Wyn Jones BA(Hons) BTP MRTPI, who held a Hearing in respect of your client's planning application, Local Planning Authority reference DM/2018/01050.

2. On 12 December 2018, in accordance with section 77 of the Town and Country Planning Act 1990 ("the 1990 Act"), the planning application was called in for decision by the Welsh Ministers. Under the provisions of the Government of Wales Act 2006, the power to determine applications under section 77 of the 1990 Act has been transferred to the Welsh Ministers, these functions have been exercised by me as Minister for Housing and Local Government.

3. In exercising their functions, as part of carrying out Sustainable Development in accordance with the Well-being of Future Generations Act ("the FG Act 2015"), section 2 of the Planning (Wales) Act 2015 requires the Welsh Ministers, as a public body, to ensure the development and use of land contributes towards improving the economic, social, environmental and cultural well-being of Wales. In order to act in this manner, the Welsh Ministers have taken into account the ways of working set out in section 4 of 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Future Generations Act 2015' through examination by way of a Hearing in accordance with The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017.

4. The Inspector held a Hearing on 5 June 2019 and made a site visit on the same day. The Inspector recommends the application is refused. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

Main Issues

5. I agree the main issues are as listed in IR 76:

a) the application of the transport hierarchy in relation to new development as advocated in Planning Policy Wales;
b) the appropriateness of new housing on a greenfield site outside the settlement boundary, having regard to local and national planning policies;
c) the effect on the character and appearance of the village and surrounding landscape;
d) the effect on historic assets;
e) the contribution to the supply of housing within the County, including the local provision of affordable housing; and
f) the overall planning balance taking into account any harm or benefit identified in relation to the foregoing considerations.

Transport Hierarchy

6. The Inspector describes Raglan as a rural village which provides a good range of day-to-day services and facilities for residents. However, for less frequent needs, residents are likely to visit one of the larger towns in the County or travel to Newport, Cardiff and Bristol. These centres are also likely to provide the main employment opportunities for many residents (IR 77).

7. The Inspector notes the design of the scheme, supplemented by financial contributions secured by a Unilateral Undertaking (UU), seeks to encourage trips to local facilities and services (IR 78 -79).

8. Whilst the Inspector notes a recommended condition would secure faster broadband connection, which would encourage home working, it is likely that many workers would still need to travel (IR 80).

9. The scheme would encourage use of public transport by providing good footway links and relocating existing bus stops. A financial contribution to improve the existing bus service is also proposed. The aim is the initial cash injection would encourage greater use allowing the service to be self-sustaining (IR 81).

10. The Inspector considers the restricted bus frequency and the additional time taken to travel by bus means the car is likely to be the preferred commuting option for a significant proportion of prospective residents (IR 82).

11. Whilst the National Cycle Route to Monmouth (7.5 miles) and Usk (5.5 miles) would provide an alternative to motorised transport for prospective residents working in these areas, the Inspector considers the number of prospective residents using this option is likely to be very modest. In any event, the main employment opportunities would lie in more distant, larger settlements (IR 83).

12. The provision of connection points for Ultra Low Emission Vehicles (ULEV) is a proactive measure although the Inspector notes the effect may take some time to materialise as ULEV ownership levels are initially likely to be low (IR 84).

13. On this matter the Inspector considers the proposed development is well connected to a good range of day to day facilities with measures to encourage walking, cycling and public transport use. However, the site is not well connected to the services and employment opportunities which are provided in the larger settlements. Therefore, it is likely many prospective residents will rely on car travel to a significant extent. The Inspector considers this is particularly the case as the scheme would serve demand arising from the south of the County. On balance, the Inspector considers the scheme does not perform well in relation to the transport hierarchy and, therefore, conflicts with Planning Policy Wales (PPW) (IR 85).

14. I agree with the Inspector's conclusions on this matter. Paragraph 4.1.12 of PPW clearly states that, "the sustainable transport hierarchy should be used to reduce the need to travel, prevent car-dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport". Whilst PPW recognises different approaches to sustainable transport will be required in different parts of Wales, particularly in rural areas, the application would introduce a significant number of new dwellings outside the defined settlement boundary of Raglan. I agree with the Inspector that, given the site is not well connected to the services and employment opportunities provided in larger settlements, it is likely many prospective residents will rely on the car to a significant extent. The proposal, therefore, fails to accord with the sustainable transport hierarchy set out in PPW.

Greenfield site outside the settlement boundary

15. The Inspector notes the main parties consider, having regard to the Council's "Protocol" for addressing the lack of 5 year housing land supply, developing this greenfield site outside the identified settlement limits of Raglan is justified by the shortage of housing land supply in the County (IR 86).

16. The Inspector considers the scheme conflicts with the Monmouthshire County Council Local Development Plan (LDP) in terms of the scale of local growth and its location outside defined development boundaries (IR 87 - 88). I note the LDP was adopted in 2014 and covers the period to 2021.

17. There is no evidence to suggest that developing this site would prejudice the opportunity to develop any previously developed land that would be suitable for housing (IR 89).

18. The Inspector notes approximately two-thirds of the site is estimated to fall within class 3a of the Agricultural Land Classification system. Class 3a agricultural land is the lowest quality land that comprises best and most versatile (BMV) land. PPW seeks to protect BMV and states "land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or

land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations" (IR 90).

19. Whilst the applicant recognises the value placed on the agricultural land, it considers most of the land that is otherwise suitable for new housing around Raglan is of a higher quality (IR 91).

20. Whilst acknowledging planning constraints on new housing sites, the Inspector notes the LDP process provides the robust, transparent and inclusive system for identifying the most suitable sites. The justification for loss of BMV is based on the proposition that development must take place in the vicinity of Raglan. However, the Inspector considers this is a false premise given the primary justification for the scheme is the delivery of housing to meet the County's need. Therefore, the Inspector considers the loss of agricultural land is a harm which carries significant weight (IR 92).

21. The scale of the proposed development in relation to the host settlement and its location away from the growth centres identified in the Plan mean the scheme does not align well in terms of the adopted LDP strategy. Therefore, the Inspector finds the breach of the defined settlement boundary and scale of proposed development conflict with LDP policies S1, LC1 and S2 and is a weighty consideration against the scheme (IR 93).

22. I note that PPW states considerable weight should be given to protecting BMV from development because of its special importance. PPW states BMV land should only be developed if there is an overriding need for the development and then subject to other criteria, as set out in paragraph 18. I do not consider there is an overriding need for the development to take place on the application site and, therefore, I agree with the Inspector that the proposed development fails to accord with PPW due to the loss of BMV land. I also agree the proposal conflicts with LDP policies S1, LC1 and S2 due to the breach of Raglan's settlement boundary and the scale of proposed development.

Character and appearance

23. The Inspector considers the impact of the proposal on trees, hedgerows, landscape and infrastructure capacity (IR 94-98). On these matters, the Inspector concludes, subject to further consideration of detailed aspects of the scheme at a later stage, the scheme's effect on the character and appearance of the village and its surrounding landscape to be acceptable (IR 99). The Inspector also considers its design accords with the high quality sought by LDP policy DES1. Whilst I note details of appearance, landscaping, layout and scale are reserved matters for future consideration, I am satisfied with the Inspector's conclusions on this issue.

Historic assets

24. The Inspector notes the village of Raglan clearly lies within the setting of the Castle, a Grade I listed building and Scheduled Monument. However, noting the specialist comments of Cadw, the Council and the applicant, the Inspector finds the scheme would not harm the significance of the Castle. The extension of the built form in a direction away from the Castle, as proposed, would not materially alter the relationship between the Castle and the village and its surrounding countryside (IR 100).

25. Whilst the proposed development would result in the loss of some restricted views from the application site of the upper parts of the Castle, the Inspector does not consider the loss of these views would affect the significance of the asset within its setting (IR 101).

26. The Inspector notes the Grade II* listed building, St Cadoc Church, is approximately 175m from the site. However, the Inspector considers there would be no material impact on the significance of this asset (IR 102).

27. The Grade I Historic Park and Garden is estimated to be within 245m of the application site. However, the Inspector considers the extent to which buildings and significant lines of trees screen the site mean there would be no material impact on this asset (IR 103).

28. The site lies adjacent to part of Raglan Conservation Area. The Inspector notes neither the Council's Conservation Area Appraisal nor the specialists at the Hearing were able to identify any special character of the designated area that would be harmed by the development, other than the loss of farmland which forms part of the wider setting of the historic village. Although the Inspector considers the harm is small, given the protection afforded to conservation areas in PPW and by LDP policy HE1, it is given modest weight (IR 104).

29. The Inspector notes the scheme has been designed to avoid building on that part of the site which straddles part of the boundary of an historic deer park. An archaeological watching brief condition would protect any archaeological features revealed during construction (IR 105).

30. On this matter the Inspector concludes the scheme would cause minor harm to the setting of the conservation area, in conflict with local and national planning policy. In terms of other nearby historic assets, the Inspector is satisfied the proposal would not harm their setting. There would be no harm to the potential archaeological value of the site and no materially harmful cumulative impact would arise (IR 106).

31. Having regard to the statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am satisfied with the Inspector's conclusions on the effect on historic assets.

Housing Supply

32. The Inspector notes the latest Joint Housing Land Availability Study identifies a 4 year housing land supply. The Council estimates by the end of the LDP plan period in December 2021 there will be a shortfall in housing delivery of 504 dwellings against the target of 4,500 units. It confirms the area of greatest shortfall in housing delivery is in Chepstow and Severnside in the south of the County, which are identified as key parts of the LDP's settlement hierarchy. The Council considers there are few options available in this area to meet demand (IR 107-109).

33. The applicant confirmed at the Hearing that the proposed scheme could be realised within 2 years of the grant of permission. The parties agreed a condition which would ensure both open market and affordable housing contain a mix of house types that would meet the greatest need as identified in the Local Housing Market Assessment (IR 110-111).

34. The Inspector takes account of the disapplication of paragraph 6.2 of Technical Advice Note 1 by the Welsh Ministers. However, noting PPW requires local planning authorities to provide a 5 year housing land supply and the emphasis placed in PPW on ensuring an adequate supply of deliverable housing sites, the Inspector attaches significant weight to the present undersupply of housing in the County. The Inspector considers this weight is reduced by the likelihood the shortfall in supply will be addressed through the emergence of the replacement LDP in the next 2.5 years or so (IR 112).

35. The Council highlights the problems of affordability in the County and identifies demand for affordable housing in the Raglan ward. The Inspector notes the delivery of affordable housing against the LDP target of 960 has been high with only an extra 38 units required before the end of the plan period. The Inspector recognises this figure is not a measure of need for housing or intended as an upper limit on supply, however, it is a target which was identified as deliverable by the planning system over the LDP period. The Council notes the application site will not provide all 39 units within the LDP lifetime (IR 113-114).

36. The Inspector considers the potential of the scheme to provide 39 affordable housing units to meet pressing local need is a significant benefit. The Inspector notes the Council's need for housing is a matter for consideration at the examination into the emerging LDP (IR 115-116).

37. I note the small undersupply of housing in the County and agree the provision of affordable housing would comprise a benefit of the scheme. However, as the Inspector recognises, the emerging, replacement LDP will address housing requirements in the County.

Other considerations

38. The Inspector is satisfied, subject to the imposition of conditions, the scheme would not unacceptably affect any ecological interest. A financial contribution would be provided to allow the Education Authority to increase school capacity. Based on all the technical evidence and advice presented, the Inspector does not consider there would be any unacceptable impact on highway safety. There is no persuasive evidence that increased traffic along High Street would undermine the commercial vibrancy of the centre. A condition is recommended to remove any potential risk of localised flooding from a culvert. The Inspector does not consider approving the scheme would set a precedent for house building on adjacent fields. The Inspector notes concern over a possible restrictive covenant, which the applicant is confident is not an impediment, is a private interest matter outside the scope of the planning system (IR 117-120).

Planning balance and overall conclusion

39. Whilst the scheme would provide housing to respond to local demand and boost housing supply, the level of shortfall, at one year, and the prospect of addressing housing supply through the emerging replacement LDP means the Inspector gives this consideration moderate weight. Significant weight is given to the provision of affordable housing. However, the Inspector notes the County has performed well in the delivery of affordable housing against the LDP target and the scheme proposes no higher a provision than would be sought on allocated sites, this is not a consideration that justifies departing from the development plan approach to siting new housing (IR 121).

40. The Inspector attaches appreciable weight to the economic benefits of the scheme and modest weight to indirect benefits to the wider community from off-site works and

contributions, such as improvements to footway provision, play space and bus services (IR 122).

41. The loss of greenfield land, which is classed as best and most versatile agricultural land, is given significant weight. The Inspector considers other site specific harms that have been identified by objectors, including the effect on the setting of the Conservation Area and the Castle, and landscape impact are minor. Taken together, the Inspector concludes these do not attract more than modest weight in the overall balance (IR 123).

42. In addition to these adverse impacts, the Inspector finds the scheme conflicts with the LDP strategy for the distribution of housing growth. The site is some distance from the identified areas of both highest demand for housing and greatest opportunities for employment. The Inspector considers the take up of public transport services will be relatively low due to the convenience and time saving offered by the car in this case. On this matter the Inspector concludes Raglan is not a settlement that performs sufficiently well in relation to the Transport Hierarchy or the LDP strategy to justify the scale of growth proposed. The Inspector gives this consideration considerable weight, particularly recognising the environmental dimension to the Well Being of Future Generations (Wales) Act 2015 and the importance of promoting sustainable development (IR 124).

43. The Inspector considers the scheme's conflict with the development plan does not align well with the emphasis on placemaking set out in PPW. PPW identifies sustainable placemaking as an inclusive process, involving all those with an interest in the environment, which focuses on developing plans and making decisions that contribute to sustainable places. The Inspector states, in proposing housing growth in a location distant from identified employment opportunities, the scheme lacks the holistic approach advocated in PPW which seeks development in the right place to achieve sustainable placemaking outcomes (IR 125).

44. The Inspector's overall conclusion is the present need for housing that has been identified, when taking into account measures to secure a replacement LDP, does not justify permitting the scale of development on the edge of this rural village. In reaching this conclusion, the Inspector is mindful of the primacy of the development plan in decision making, not least given the degree of certainty, transparency and engagement this provides to all stakeholders, including local communities. The Inspector recommends the application be refused (IR 126-128).

45. Subject to my comments above, I agree with the Inspector's conclusions and reasoning set out in IR 76 – 128. I accept the recommendation that the application be refused.

Formal Decision

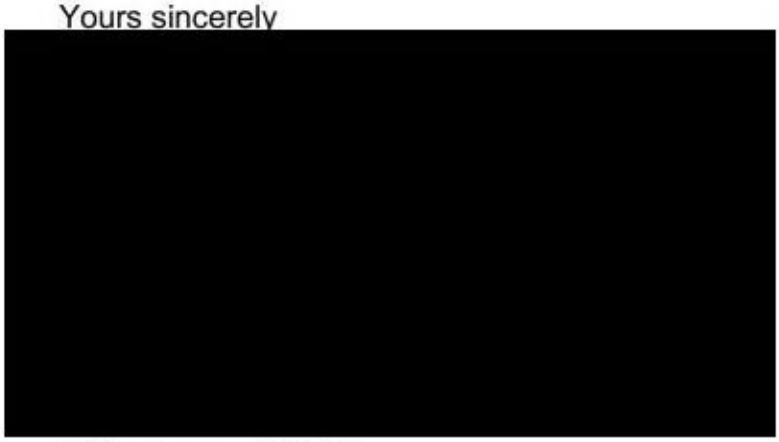
46. For the reasons given above and in exercise of the power referred to in paragraph 2 of this decision letter, I refuse planning permission for application reference DM/2018/01050.

47. In reaching this decision I have had regard to section 38 (6) of the Planning and Compulsory Purchase Act 2004 which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. I also note the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015 and I consider the decision accords with the sustainable development principle set out in the FG Act 2015. In accordance with section 3(2) of the FG Act 2015 and the well-being objectives of the Welsh Ministers, the decision will contribute towards the Welsh Ministers' well-being objective to "Drive sustainable growth

and combat climate change". This is particularly important given the Welsh Government's climate emergency declaration.

48. A copy of this letter has been sent to Monmouthshire County Council, those who took part in proceedings and to those who asked to be informed of the decision.

Yours sincerely



Julie James AC/AM
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government