



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 15/11/21

**gan Janine Townsley LLB (Hons)
Cyfreithiwr (Nad yw'n ymarfer)**

**Arolygydd a benodir gan Weinidogion
Cymru**

Dyddiad: 16/02/2022

Appeal Decision

Site visit made on 15/11/21

**by Janine Townsley LLB (Hons)
Solicitor (Non-practising)**

**an Inspector appointed by the Welsh
Ministers**

Date: 16/02/2022

Appeal Ref: APP/E6840/A/21/3282479

Site address: Land adjacent to Manor Garage, Rogiet Road, Rogiet NP26 3TA.

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Andrew Mould against the decision of Monmouthshire County Council.
 - The development proposed is change of use of area of land to industrial use.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal site falls outside of any settlement boundaries, within the countryside for the purpose of development plan policies. The site is also located within the Rogiet and Caldicot Green Wedge as referred to in policy LC6 of the Monmouthshire County Council Local Development Plan (February 2014) (LDP).
3. The current (albeit unlawful) use of the land is described in the application form as "vehicle parking" and this accords with what I saw to be taking place on site.
4. As the site falls within the green wedge, the main issue for me to consider is whether the proposed development is inappropriate development for the purposes of the development plan and Planning Policy Wales, Edition 11 (PPW) and, if so, whether the harm to the green wedge by reason of its inappropriateness, and any other harm (including in this case the effect on the character and appearance of the area), is clearly outweighed by other considerations so as to amount to the very exceptional circumstances necessary to justify it.

Reasons

5. The appeal site comprises an area of land adjacent to the Rogiet settlement boundary, situated between the edge of Cheesemans Industrial Estate to the east and open fields to the west. The site is immediately to the south of the M48 motorway.
6. In addition to the proposed change of use of the site, the plans show a proposed extension to the east of an existing industrial building. This would provide two additional industrial units and seven vehicle parking spaces.
7. Policy LC6 of the LDP confirms that the purpose of the green wedge is to prevent the coalescence of settlements. The explanatory text to the policy states that development proposals within green wedges will only be permitted where they do not prejudice the open characteristics of the land. The local plan policy considerations are largely in line with national policy considerations set out in PPW. At paragraph 3.69, PPW explains that in addition to general policies to control development in the countryside, there is an additional presumption against development which is inappropriate in relation to green wedges and at paragraph 3.73 it confirms that substantial weight should be attached to any harmful impact which a development would have on the purposes of green wedge designation.
8. PPW states at paragraph 3.75 that the construction of new buildings in a green wedge is inappropriate development unless it is for the one of the specified purposes.
9. As the development would not conform to any of the specified exceptions I can find no support for the proposal in either PPW or the development plan and therefore it follows that the appeal proposal would amount to inappropriate development in the green wedge.
10. PPW provides that openness is an essential characteristic of the green wedge. Openness is defined by the absence of buildings or other forms of development. The construction of two industrial units on a previously open site would inevitably compromise the openness of the green wedge. While the site is currently hard paved and used for the parking of vehicles, there is an absence of any built form and this would be markedly different if industrial units were to be constructed on site. The proposal also includes palisade fencing along the eastern boundary and while the appellant has stated that a landscaping scheme could be conditioned to ameliorate the impact of this, landscaping would not negate the effect of a fence on the openness of the site. The fundamental aim of green wedge policy is to keep land permanently open and the appeal proposal would conflict with this aim.
11. The appellant states that the site is viewed in the context of the adjacent industrial estate and that it does not form a "logical" part of the green wedge. Notwithstanding these submissions, the site does fall within the green wedge boundary and the appellant's evidence does not address the effect of the proposal on the openness of the green wedge.
12. Turning to the effect of the development on the character and appearance of the area, the character of the appeal site is drawn from its location adjacent to both the industrial estate and the open fields to the west. From some viewpoints the site could be viewed within the context of the industrial estate. As the appellant acknowledges, however, when viewed from the M4 when travelling from the east, the site is viewed across an open area of the green wedge. I acknowledge the appeal site has a different appearance to the rest of the green wedge as it has been cleared of vegetation, has been hard surfaced and has been used for car parking. Despite this, the presence of a field line adjacent to the site does not amount to a termination of the green wedge and since the site remains devoid of built form it is also visually distinct from the industrial estate. This contrast would be lost

with the addition of two industrial units. The proposal would result in a change to the character and appearance of the site at a location adjacent to the open fields which characterise the remainder of the green wedge. The new industrial units would therefore harm the rural character of the area and result in an inappropriate form of development in the countryside. The proposal would therefore fail to maintain the character of the landscape in conflict with policy S13 of the LDP.

13. Notwithstanding this, the explanatory text to policy LC6 of the LPD states that exceptionally, development within the Green Wedge may be considered acceptable where the proposal complies with policy E2 of the LDP.
14. Policy E2 seeks to enable proposals for employment use on non-allocated sites by single-site users or specific large employers that cannot be accommodated on existing or proposed business or industrial sites and sets out the criteria against which such proposals will be assessed. The explanatory text to the policy states that the LDP provides for sufficient industrial estates in the county but the policy allows for an application for a specific large scale employer unable to find a suitable site but normal planning criteria should be taken into account.
15. In this case the proposal is speculative. The application has not originated from a specific employer unable to find a site and it therefore does not accord with the intention of the policy. Furthermore, criterion d) of policy E2 requires that the proposal would cause no unacceptable harm to the surrounding landscape whereas I have already found that the proposal would cause such unacceptable harm. The proposal does not therefore accord with exceptions policy E2. I also note that policy E2 requires that developments will be controlled with a Section 106 agreement to restrict the site to a single user. The lack of any legal agreement before me weighs further against the proposal.

Overall balance and conclusion

16. PPW advises that substantial weight should be attached to any harm to the green wedge due to the inappropriate nature of the proposed development and the harm that this would cause to openness.
17. Balanced against this are the material considerations in support of the proposal. In this case I have considered the location of the site adjacent to an existing industrial estate within a sustainable location and the benefit that may be gained from the provision of an additional two industrial units adjacent to the industrial estate. However, when taken together these do not outweigh the harm the scheme would cause to the openness of the green wedge as inappropriate development in circumstances where the proposal would not accord with the exceptions policy in the LDP. As a result, the very exceptional circumstances required to justify inappropriate development have not been established and the appeal proposal would be contrary to local and national policy.
18. For the aforementioned reasons, and taking into account 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.

Janine Townsley

Inspector