Report of the Chief Officer Economy and Planning

Application Reference
P/2024/1195

Applicant
AMANDA FRANKLAND

Agent
MR DAFYDD EDWARDS

Site Address
LAND ADJACENT, TANYFRON ROAD, TANYFRON, WREXHAM, LL11 5SA

Description of Development
MARCHOGAETH A CHODI STABLAU A CHYNHWYSYDD STORIO / CHANGE OF USE OF LAND TO EQUESTRIAN AND ERECTION OF STABLES AND STORAGE CONTAINER

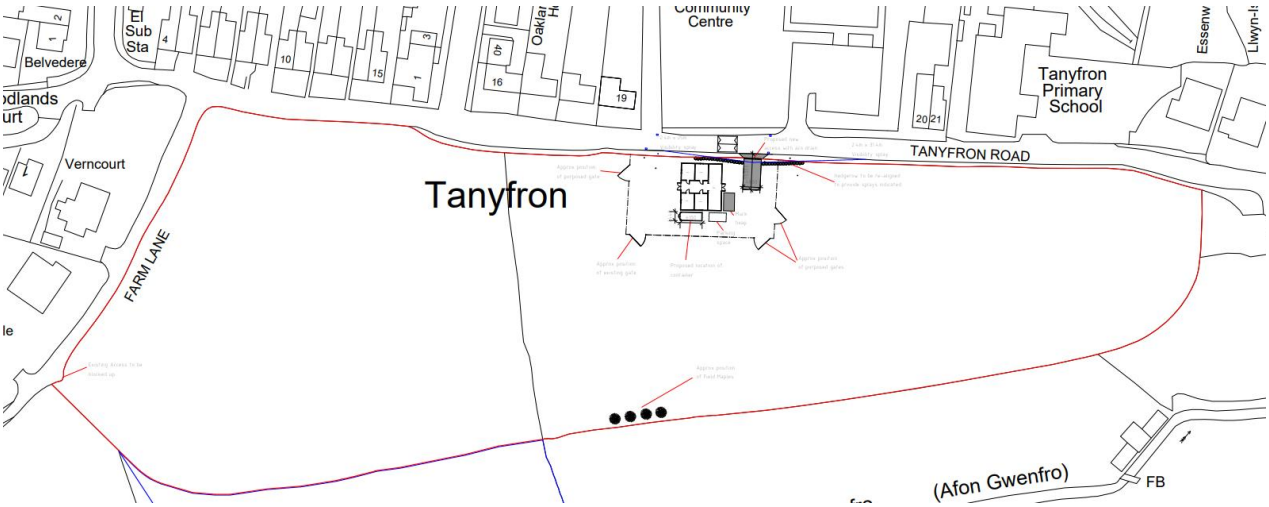
Ward
Brymbo/Brymbo

Community
Brymbo/Brymbo

Recommendation
Refuse

Officer Report

Site Description
The application site comprises an agricultural field, immediately south of the Tan y Fron settlement. The site is bounded by an 'important hedgerow' as defined in the Hedgerow Regulations. The site is situated in the open countryside and within a Green Wedge designation. The site slopes downwards in an easterly direction.



Proposal

Report of the Chief Officer Economy and Planning

Permission is sought for the change of use of land to private equestrian use and erection of a stable block and storage container. The development also proposes a new access from Tan y Fron Road.

Reason for Committee Determination

Permission is sought for the change of use of land to private equestrian use and erection of a stable block and storage container. The development also proposes a new access from Tan y Fron Road.

Site History

None relevant

Development Plan

SP2 - Location of development
SP6 - Green Wedge
SP18 - Climate Change
SP19 - Green Infrastructure
DM1 - Development Management Considerations
NE1 - International and National Nature Conservation Designations
T1 - Managing Transport Impacts

Relevant National Policy

Planning Policy Wales ed 12
Future Wales Plan
TAN 5 Nature Conservation and Planning
TAN 6 Planning for Sustainable Rural Communities

Consultation Responses

Community Council:
No response received

Local Member:
Requests that the application be considered by the Planning Committee.

Natural Resources Wales:
No comments to make

Dwr Cymru Welsh Water:
Raises no objection. Recommends the inclusion of a condition preventing surface water run-off from discharging into public sewerage network.

Highway Officer:
Raises no objection subject to the proposal being for private use. Comments that visibility and parking provision is adequate.

Contaminated Land Officer:
No comments to make.

Public Protection Officer:
Recommends the inclusion of standard Advisory Notes in relation to noise management and burning of waste / manure.

Ecology Officer:
Considers the size of the hardstanding to be excessive for the size of stables. Observes that there does not appear to be an existing access and the hedgerow looks to qualify as important under the Hedgerow Regulations. Advises that if deemed 'important', removal should only be permitted where there is public benefit and mitigation must be achieved on site. Also advises that arrangements for preventing pollution from the 'muck pile' need to be provided and there is no scheme for NBB.

Publicity Undertaken:
Notification Letters: 46

Responses to Publicity:
None

Principle of Development

Current Status of the Local Development Plan
The Court of Appeal judgement handed down on the 20th of December 2024 concluded that the Planning and Compulsory Purchase Act 2004 (the 2004 Act) does not impose a duty on a Local Planning Authority to adopt a Local Development Plan. It has the effect of overturning the High Court judgement of 29 November 2023, which had concluded to the contrary but this judgement is currently subject to an application to the Supreme Court by the Welsh Ministers to challenge.

The Wrexham Local Development Plan (2013-2028) (LDP) was adopted by Full Council on 20th December 2023. The judgement of the 20th December 2024 does not, by itself, alter the status of the LDP as 'the development plan', as defined in section 38(4)(c) of the 2004 Act and further legal process is required to 'unadopt' it. In accordance with section 38(6) of the 2004 Act, any planning applications or appeals must be determined in accordance with the development plan unless material considerations indicate otherwise.

The LDP therefore remains adopted and therefore the starting point for the determination of planning applications until the Court orders to the contrary.

The site lies outside the defined settlement limits of the Wrexham Local Development Plan (LDP) and it also lies within a Green Wedge.

The development proposed is the change of use to equestrian and the erection of stables and storage container. A new vehicular access is proposed along with an area of hardstanding which surrounds the stable block measuring approximately 20m by 40m. The stable block would measure approximately 13m by 11.3m and would extend to 3.5m in height. The storage container would

measure approximately 6.1m by 2.4m however, no details have been provided pertaining to its height or its appearance.

Planning Policy Wales (Edition 12), paragraph 3.60 States, *"new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled."* Similarly, paragraph 3.71 states that to maintain openness, development within a green wedge must be strictly controlled. In addition, Paragraph 3.73 indicates that there is a presumption against inappropriate development within the Green Wedge. Paragraph 3.75 then lists types of development that may be considered appropriate in the Green Wedge and this includes es*sential facilities for outdoor sport and recreation*..

It is considered that an equestrian use is an acceptable rural enterprise that requires an open countryside location given the requirements of land for grazing, stabling and exercising of horses. As such it is considered that it is an appropriate form of development to be located within a green wedge.

Therefore, for the reasons detailed above it is considered that the principle of the proposed development is considered to be acceptable, and accord with the requirements of the Wrexham LDP and Planning Policy Wales.

Design

The proposed stables would measure approximately 13m x 11m with a maximum height of 3.7m, comprising 4no. internal stables and a hay store and are to be located within a central position along the sites' frontage. The area would also be served by a sizeable yard and a storage container. In addition a new access would be created to serve the stables requiring the removal of a section of established hedgerow, which runs uninterrupted along Tan y Fron Road.

The well-established, mature hedge which continues along Tanyfron Road uninterrupted, provides a clearly defined boundary which distinguishes the open and undeveloped countryside from the built form of the adjacent settlement. It is considered that the removal of a 4.5m section of hedgerow and the creation of a new access in this prominent position along the site frontage, would create an unacceptable visual incursion in to this open countryside location. The hedgerow in its entirety provides a clear delineation between the settlement and open countryside and the creation of a gap would be detrimental to the visual amenities provided by the hedge.

The loss of part of the hedge to provide a new access, together with the introduction of a large building and presumed hardstanding area would disrupt this clear distinction and would not maintain the character of the countryside in this area.

Therefore, for the reasons detailed above it is considered that the proposed development fails to preserve or enhance the character, appearance and local

distinctiveness of the locality. As such, the proposal fails to accord with the requirements of Policy DM1 (i) of the LDP.

Impact on Neighbouring Amenity

There are number of residential dwellings along Tan y Fron Road, although none are located directly in front of the site. It is not anticipated that the proposal would lead to an adverse impact in terms of noise, given the use of the site for private equestrian purposes. No external lighting is proposed and therefore light spill would be limited. A condition to control the installation of any external lighting could be imposed to protect residential amenity and the night sky. Any manure created would have to be appropriately managed to avoid undue odour issues. This could also be secured via an appropriately worded planning condition.

Overall, it is not considered that the development would result in an unacceptable impact on residential amenity and therefore accords with Policy DM1 (ii) of the LDP.

Highway Considerations

The revised proposed access is located approximately 13m west of the existing access, serving the local community centre car park (approximately 12 spaces) on the opposite side of the road. The proposed access in highway terms would be considered acceptable, subject to the imposition of a condition restricting the use of the stables for personal use only. It is understood that this car park also provides parking for parents taking / collecting their children from the nearby primary school. There is also a significant on-street parking issue along this section of Tanyfron Road with parents parking either side of this access at school drop off / pickup times.

<u>Access</u>

There is an existing field access serving the site located at the southern end of Farm Lane. Farm Lane is a narrow, partially surfaced, unadopted road which has no formal turning head. Farm Lane appears to serve 2 no. existing dwellings and has public footpath PROW No. 53 – Brymbo running long its length. Visibility at the junction with Tanyfron Road is inadequate in both directions providing splays of approximately 2.4 x 3m to the west and 2.4 x 9m to the east measured to the nearside edge. The existing field access is approximately 3.6m wide and gated around 3.4m behind the edge of the lane. The Council's Highway Officer advises that the permanent closure of this sub-standard access would be viewed as beneficial in highway safety terms.

The proposed new access to the development site would be located on an unclassified road subject to a 20mph speed limit. This section of Tanyfron Road has existing traffic calming measures in the form of speed cushions given its proximity to Tanyfron Primary School on the opposite side of the road. Based on typical speeds of 20mph, any proposed access in this location would require visibility splays of 2.4 x 25m in both directions measured to the nearside edge of the adjoining highway. The revised layout plan (Drg. No. F054/004 Rev C) indicates splays of 2.4 x 25m in the westerly direction and 2.4 x 31m in the easterly direction measured to the nearside edge which is considered adequate.

The revised layout plan also indicates the following details which are considered acceptable:
- 4.8m wide splayed access for a distance of 10m behind the adjoining carriageway.
- Gates setback 10m behind the adjoining carriageway.
- Aco drain to intercept any private surface water run-off.

The new access would require a minimum of 10m hard bound surfacing, and this could be secured via planning condition along with details of the proposed access gradient for the first 10m behind the adjoining highway.

Traffic Generation
The site would be a visited morning and evening by one vehicle and on the odd occasion the site would be accessed by a car and horsebox. It is not considered that 2 visits to the site per day, for a personal use of the stables, would lead to a significant increase in traffic generation.

Parking & Turning Provision
The revised layout plan indicates adequate parking and turning arrangements at the site to cater for a 4 x 4 plus horsebox.

It is recommended that if permission be granted, a condition be imposed to ensure the use of the site remains for private equestrian use only and not for use as a commercial business for the reason of both highway safety and capacity protection.

In light of the above, the proposed access and parking arrangements are considered acceptable subject to the inclusion of conditions. The proposal therefore accords with Policies DM1 (vi) and T1 of the LDP in this regard.

Natural Environment
The application is not supported by an ecological survey of the site. To accommodate the proposed new access, a 4.8m section of hedge would require removal, with a wider section either side of the new access to be realigned to create adequate visibility. The Council's Ecologist has raised concerns in this regard, advising that the hedgerow qualifies as ‘important’ under the Hedgerow Regulations owing to it marking a historical boundary visible on the earliest available map. As such, the removal of any part of this hedgerow should only be permitted where there is a wider public benefit and with mitigation being achieved on site.

The creation of a private access to the site is not considered to bring a greater public benefit and adequate mitigation is not demonstrated within the application - the benefits in this regard being solely to the applicant alone. As such, the proposal fails to satisfy the aims of LDP Policy NE3 and is contrary to paragraph 6.4.43 of Planning Policy Wales Ed.12. The applicant has failed to demonstrate or justify how any wider public benefits would arise from the development, or why a departure from both local and national planning policy is warranted in this instance.

The submitted Green Infrastructure Statement (GIS) identifies that the parcel of land is currently used for agriculture and the change of use would not alter any green infrastructure on site. The statement further asserts that the erection of the stables would not impact upon green infrastructure. Whilst the equestrian use of the land would not impact upon green infrastructure, the proposed siting of stables, container and associated hardstanding and access would result in a loss of grassland and a section of hedgerow. It is stated within the GIS that a net biodiversity benefit would be achieved on site via the planting of 4no. field maple trees. This is not considered to be adequate to mitigate the loss of hedgerow, nor would it achieve an adequate biodiversity benefit. As such, the proposal would result in a demonstrable loss biodiversity net loss contrary to the requirements of both the Wrexham LDP and Planning Policy Wales.

Therefore, for the reasons detail above, the proposed development would result in demonstrable ecological harm, and also an overall biodiversity net loss. The applicant has failed to demonstrate that such harm can be satisfactorily mitigated against, or that the benefits of the scheme outweigh the harm that would arise. As such, the proposal therefore does not accord with LDP Policy SP14, LPGN 32 and Chapter 6 of PPW 12.

Drainage

A sustainable surface water drainage system would require the approval of the consenting Authority, whilst Dwr Cymru/Welsh Water advises that no surface water may drain to the public sewer system. This could be secured via planning condition.

A Nutrient Management Plan could ensure that manure is appropriately managed in order to prevent phosphorous and other nutrient run off. Again, this could be secured by a planning condition.

Therefore, subject the conditions mentioned above, it is considered that appropriate/acceptable drainage could be achieved for the development.

Conclusion

The siting of the stable and storage contained represents an unacceptable encroachment into the open countryside. Furthermore, the proposal fails to demonstrate the step-wise approach to Green Infrastructure and Biodiversity.

The removal of important hedgerow is not adequately justified and would be harmful to the visual amenities of the area. Insufficient mitigation has been proposed by the applicant to counter the harm that would be caused ecologically, or to demonstrate that there would be no let loss to biodiversity.

Overall, it is considered that demonstrable harm would arise from the proposal. Furthermore, the applicant has failed to demonstrate that the benefits of the scheme would outweigh the resultant harm in the planning balance.

Reasons

1. The proposal represents a harmful form of encroachment into the open countryside and fails to safeguard the rural character of its surroundings which is beneficial to the urban settlement of Tan-y-Fron. On this basis, the proposal conflicts with Policy DM1 of the Wrexham Local Development Plan.

2. The hedgerow fronting Tan-y-Fron Road qualifies as 'important' under the Hedgerow Regulations and removal should only be permitted where there is demonstrated significant public benefit. The removal of a section of the Important Hedgerow to form a private access to the site is not considered to bring a greater public benefit and adequate compensatory or mitigation measures have not been demonstrated within the application. As such, the proposal fails to satisfy the aims of Policy NE3 of the Wrexham Local Development Plan and is contrary to para. 6.4.43 of Planning Policy Wales Ed.12

3. The application does not demonstrate that Green Infrastructure has been appropriately considered in accordance with the step-wise approach detailed in Planning Policy Wales Ed. 12. Furthermore, the proposed development would not deliver a net biodiversity benefit to the site and therefore does not accord with policies SP14, SP19 and NE2 of the Wrexham Local Development Plan, Technical Advice Note 5 and Planning Policy Wales Ed. 12.