Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Appeal Decision

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by C Sweet MPlan

an Inspector appointed by the Welsh Ministers

Decision date: 17/12/2024

Appeal reference: CAS-03598-L9T6J3

Site address: Ruabon Railway Station, Station Road, Ruabon, Wrexham, LL14 6DL

- 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 Kristian Kennerley against the decision of Wrexham County Borough Council.
- The application Ref P/2022/0459, dated 10 May 2022, was refused by notice dated 1 May 2024.
- The development proposed is described as change of use from offices to domestic dwelling: interior re-ordering, one new external door in existing window opening; new stone boundary wall and alterations to surface treatment of forecourt.
- A site visit was made on 4 December 2024.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The original planning application subject of this appeal was made by Mr Kristian Kennerley, whereas the appeal was then submitted by Nicola Pearson. Only those who appeared on the original application form are able to appeal and as such, Mr Kennerley subsequently provided written consent for the appeal to proceed in his name. I have therefore proceeded on that basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of future occupiers of the proposed dwelling, with regard to noise.

Reasons

4. The appeal property is a grade II listed former railway building located immediately adjacent to the southernmost platform of Ruabon Station and within the Ruabon Conservation Area (CA).
5. The submitted Noise Report (the NR) suggests that during monitoring, noise levels at the appeal site exceeded the recommended external maximum levels set in Welsh Government Technical Advice Note 11: Noise (the TAN) Annex A some 5 times between 06:00 and 07:00. Given the regularity of those exceedances within a single hour, I

consider that the proposal falls within Noise Exposure Category C for the purposes of the TAN, which therefore advises that planning permission should not normally be granted for such development.

6. There are also discrepancies within the NR and appellant's submission, regarding the location of monitoring equipment and the building condition, which result in some uncertainty regarding the basis on which internal noise levels have been presented.

7. Nonetheless, based on the evidence before me, I accept that it may be possible to provide suitable mitigation, such that internal noise levels throughout the building may be reduced to averages that would accord with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'.

8. However, the noise generated by trains stopping at and passing through the station would nonetheless result in multiple instances of higher levels of intermittent noise early in the morning, when occupiers would likely be sleeping and more susceptible to disturbance.

9. Such regular occurrences would result in a harmful level of disturbance over and above that which could reasonably be expected at a residential property and I have little evidence to suggest that these effects could be overcome by the mitigation measures proposed. Moreover, it would not be possible to account for future changes in the nature and frequency of rail traffic. Any increase in such activity during night-time hours would exacerbate the harm I have identified. I therefore do not consider that a condition requiring a scheme of mitigation would provide sufficient certainty, such that granting planning permission would be justified.

10. I note that no specific noise monitoring has been carried out within the proposed external amenity space. However, despite being separated from the platform by the appeal building and notwithstanding that some planting is in place, it was clear at my site visit that the noise of trains stopping at and passing through the station, and of loudspeaker announcements, would be readily and regularly audible for users of that space.

11. Moreover, given its position close to the station's car park and proximity to both a bus stop and a 'pick up / drop off' point, the proposed amenity space would also be subject to noise and disturbance in the form of vehicle doors slamming, engines revving whilst manoeuvring and the general comings and goings of station users, all of which, notwithstanding the one-way direction of Station Road at this point, I observed taking place with some regularity.

12. The use of the proposed amenity space as the sole means for private relaxation, entertainment and other essential functions would therefore be significantly inhibited. This would be particularly so during the summer months, when occupiers would likely require the use of that space for a greater proportion of the day and evening.

13. I acknowledge the appellant's willingness to provide further mitigation in this respect, which may be secured through a suitably worded condition. However, I have little before me to demonstrate that such mitigation would be sufficient to ensure an acceptable environment for users of that space, and without giving rise to other effects that should be properly assessed as part of the proposal. My observations in this respect are reinforced by the NR's finding that where outdoor living spaces are proposed, the site would not be appropriate for residential development.

14. I also acknowledge that the proposal may result in slightly lower levels of traffic and footfall to the appeal property than the previous use, but this would not offset the harmful effects I have identified.

15. Taking the above factors together, I find that the proposal would fail to provide a satisfactory standard of amenity for future occupiers, such that it would result in

significant harm to their living conditions, with regard to noise, contrary to policies SP13 and DM1 of the Wrexham Local Development Plan which, among other things, require that development should provide opportunities for healthy lifestyles and should provide a satisfactory standard of amenity for the occupiers of the development. It would also conflict with guidance set out in the TAN.

Other Matters

16. The appeal building is grade II listed for its special interest as a good example of an 1860s station, in a Tudor-Gothic Revival style popular for rural railway architecture. It was apparent at my site visit that it is a focal building within this part of the CA and that its largely maintained, original appearance and close association with the railway line make a significant contribution to the CA's established character.

17. The proposal would largely maintain the existing external appearance of the appeal building and the limited number of features associated with a change to residential use that would be introduced would not be out of keeping with the prevailing appearance of this part of the CA, which includes a range of residential properties of varying ages. These limited external changes would also ensure that the appeal building's historic association with the railway could still be clearly understood. I am therefore satisfied, subject to necessary conditions to secure appropriate finishing materials, that the proposal would preserve the appeal building's setting and contribution to, and the character and appearance of, the CA.

18. I acknowledge the appellant's desire to preserve the appeal building and I note the view of the Council's Conservation Officer that the proposed internal works may offer some enhancement through the removal of a number of features, such as false ceilings and partition walls, that were introduced during the 1980s. Based on the evidence before me, I agree that the proposal would preserve the appeal building's special interest and that the removal of unoriginal features would provide some benefit, in that it would likely make the building's original internal form more readily appreciable.

19. However, given I have little before me to suggest that any original features would be lost or that the appeal building's special interest would be harmed should planning permission not be granted, or that such benefits could not be achieved via other, less harmful alternatives, I ascribe limited weight to those benefits.

20. Whilst I accept that there is some support for the scheme, the harm to the living conditions of future occupiers would be significant, such that I find it to be an overriding consideration in this case.

Conclusion

21. For the reasons given above and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

22. 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.

C Sweet

INSPECTOR