Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Appeal Decision

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by C MacFarlane BSc(Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 27/06/2025

Appeal reference: CAS-04013-F7B8G0

Site address: 34 Millfields, New Broughton, Wrexham LL11 6TX

- 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 Iain Siddle against the decision of Wrexham County Borough Council.
- The application P/2024/1297, dated 6 August 2024, was refused by notice dated 19 December 2024.
- The development proposed is described as change of use of land to residential curtilage.
- A site visit was made on 21 May 2025.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Varying forms of the development proposed are entered in the application and appeal forms, and Council's decision notice. I have used the description in the decision notice as this accurately describes the development proposed, whilst omitting the extraneous detail provided in the forms.
3. The development has already commenced, with the appeal site laid with plastic sheeting, small areas of paving, and enclosed by temporary metal fencing. I have therefore considered this appeal as retrospective in nature.
4. The Council's reasons for refusal allege conflict with policies in the Local Development Plan (LDP). The Council's decision to adopt the LDP was quashed by the High Court. Consequently, the development plan comprises Future Wales (FW) and the Wrexham Unitary Development Plan 1996-2011, adopted 2005 (UDP). The Council has indicated the UDP policies with which it considers the proposed development conflicts and the appellant has had the opportunity to comment.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. 34 Millfields is a single-storey dwelling set within a row of similar properties facing the adjoining highway and located within a modern residential development. The appeal site is a rectangular parcel of land immediately adjoining the original rear garden boundary of No. 34. The rear boundaries of the dwelling row represent the settlement limit identified in the UDP and form a single continuous line, with the boundary treatments providing a clear demarcation from the adjoining land. The adjoining land forms part of a wider area of dense woodland and shrubs separating New Broughton from Heritage Way.

7. UDP Policy PS1 directs development to within defined settlement limits, with paragraph 3.5 explaining that these boundaries establish clear limits beyond which new development will not be allowed. Given its location outside of the settlement limit, the proposal would be contrary to Policy PS1 and would therefore be unacceptable in principle.

8. Policy PS2 seeks to ensure development does not materially detrimentally affect countryside, landscape/townscape character, open space or the quality of the natural environment. This is complemented by Policy GDP1, which requires development to accord with the character of the site and make a positive contribution to the appearance of the nearby locality.

9. The proposal has resulted in the alteration of the character of the appeal site, by clearing vegetation and enclosing the land. The use as a residential curtilage also results in a domestic appearance with the potential introduction of garden paraphernalia, structures, hard surfacing and planting that is at odds with the natural and informal appearance of the land outside the settlement limit. The incongruity of the development is exacerbated by its notable interruption of the clear and consistent boundary established by the surrounding rear garden boundaries. Even if there is a lack of designated public access to the appeal site, or that the area may not be useable for other types of development, this does not alter my findings on the detrimental effects of the scheme before me.

10. I acknowledge the appellants contention that the maintenance of the site commenced several years ago, however, a determination on the lawful use of the land lies outside my remit in considering this appeal under s78 of the Act, and this attracts little weight in my decision.

11. In conclusion, I find that the proposed development would have an adverse impact on the character and appearance of the area and conflicts with Policies PS1, PS2 and GDP1 of the UDP, the placemaking principles in FW and Planning Policy Wales and the Welsh Government's commitment to achieving good design as set out in Technical Advice Note 12: Design.

Other Matters

12. I note the references to the justification for the proposal in controlling the vegetation close to the rear garden boundary. However, I have not been presented with any evidence that this could not be achieved through means other than the extension of the residential curtilage and therefore this factor is also afforded little weight. Whilst the proposal would provide a larger garden area for the dwelling, this benefit is limited to the occupiers of the property and therefore does not outweigh the wider and permanent harm I have identified.

13. Although the landowner may be agreeable to the development, and there is a lack of objection from neighbours and statutory bodies, this does not imply the development is therefore acceptable, nor is it a reason to grant planning permission.

14. In submitting a Green Infrastructure Statement, the appellant proposes planting and bird boxes to ensure biodiversity is enhanced. The Council raises no objection in relation to ecological impacts, subject to the use of a condition to require enhancements, and I do not disagree. The harm to the character and appearance of the area is, however, a compelling factor that outweighs the acceptability of the development with regard to ecological interests.

15. I also note the appellant's concerns regarding the Council's handling of the application but such matters do not alter my assessment of the planning merits of the scheme.

16. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Conclusion

17. For the reasons given above, the appeal is dismissed.

Claire MacFarlane

INSPECTOR