



Appeal Decision

by G Hall BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 20/02/2025

Appeal reference: CAS-03661-S4W8X0

Site address: Gate Hangs High, Rhosnesni Lane, Wrexham LL13 9ES

- 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 Ms Leigh Barker (Spotless Water), against the decision of Wrexham County Borough Council.
 - The application Ref P/2024/0166, dated 4 March 2024, was refused by notice dated 25 June 2024.
 - The development is a Proposed Water Filling Station.
 - A site visit was made on 3 February 2025.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Planning appeals can only be made by the original planning applicant. I have determined this appeal on the basis that Ms Leigh Barker is the original applicant, and they have confirmed this is the correct name.
3. The development plan for an area includes Future Wales and the adopted Local Development Plan (LDP). The Wrexham Local Development Plan (2013 – 2028) was adopted by the Council in December 2023. Earlier decisions not to adopt the LDP were found not to be unlawful by the Court of Appeal and the Council's subsequent decision to adopt the LDP is now subject to challenge. The Welsh Government is seeking leave to challenge the Court of Appeal's judgement in the Supreme Court.
4. At the time of this decision, the challenge to the Council's adoption of the LDP has not been heard. I have determined this appeal on the basis the LDP is part of the development plan and that planning decisions should be made in accordance with the LDP unless material considerations indicate otherwise.

Main Issues

5. These are the effect of the development on the character and appearance of the area, and the living conditions of neighbouring occupiers.

Reasons

Character and appearance

6. The appeal site comprises a public house fronting Rhosnesni Lane, the associated beer garden and car park, and a bowling green. The car park is bounded to the front by a low brick wall, giving clear and unobstructed views into this part of the appeal site. Gate Hangs High is a distinctive, mock-Tudor building which makes a positive contribution to the area's character and appearance.
7. Rhosnesni Lane is a primarily residential area, with associated community facilities in close proximity to the site, including a school and a youth club. The locality features a mix of dwelling styles, with houses to the east and across the road to the north of the appeal site. The predominant building style in the area is two-storey, with buildings primarily featuring brick, render, and slate. The school, while clearly visible, is set well back from Rhosnesni Lane and does not disrupt the visual consistency of the residential character and appearance of the area.
8. The existing non-residential uses in the vicinity of the appeal site, including the public house, complement the area's residential character. However, the appeal proposal would be entirely incongruous with it. It would introduce a water-dispensing unit that supplies treated water to a range of businesses, including window cleaning, car valeting, solar panel cleaning, aquatics and agriculture, thereby attracting commercial visitors to this otherwise residential area. In my view, both the intensification of commercial activity at the site, beyond that already associated with the public house, and the erection of a structure designed to be conspicuous to visitors and passers-by, would both undermine and harm the established residential character of the area.
9. Moreover, although there is limited information on the external appearance of the proposed structure, the Council note that the water-dispensing unit previously at the site was bright blue with branded advertising. Notwithstanding the limited detail, it seems to me that there would be some need to identify the structure to its prospective users. Given that the proposal would be clearly visible from the road and from neighbouring dwellings to the north, any use of corporate colours and logos would further exacerbate its prominence in the streetscape.
10. Although there are metal-clad buildings in the vicinity, including the youth club and one of the garages in the car park, these do not define the area's visual character. By contrast, the proposed structure would be discordant and visually intrusive, its utilitarian design and prominent siting detracting from the area's established residential appearance.
11. Whilst the public house would screen views of the proposed structure for vehicles travelling along Rhosnesni Lane, it would be highly visible to views to the front and from the west of the site. Trees near the entrance to the school are some distance away from the location of the appeal proposal and would only provide screening from longer distance views to the west.
12. The proposal would therefore be contrary to the design objectives of policies DM1 and SP12 of the Wrexham LDP, the placemaking principles in Planning Policy Wales (PPW) and the Welsh Government's commitment to achieving good design as set out in Technical Advice Note (TAN) 12: Design.

Living conditions

13. The proposed development would be situated close to existing residential dwellings owing to the narrow width of the road. There are no screening or barriers in place to mitigate noise or general disturbance from the increased activity the proposal would

generate. Introducing an additional commercial use in this context would attract visitors to an otherwise predominantly residential area, leading to increased vehicle movements and a heightened level of activity at the site.

14. At the time of my site visit, no water-dispensing unit was present, however, local residents report that when one was previously located on the site, there were significant disturbances including noise, vans arriving from as early as 6am, and vehicles idling with engines running. Existing traffic congestion in the area, particularly during the morning and afternoon school drop-off periods, was exacerbated by the additional traffic generated by the water-dispensing unit, causing further inconvenience for residents in the area.
15. I accept that the proposed water-dispensing unit would provide a source of treated water for a wide range of businesses, supporting these and wider economic activity. However, there is no substantive evidence to suggest that the appeal site is the only realistic means of meeting the potential users' needs.
16. I also accept that the proposed structure would not, in itself, have a physical impact on the living conditions of neighbouring occupiers, however, it is the use of the structure and the resultant activity from vehicles arriving, engines idling or revving and the intensification of activity in close proximity to neighbouring occupiers that would be unacceptable.
17. I have considered whether conditions, including those suggested by the Council relating to hours of use and noise rating levels, could render the scheme acceptable. Whilst I accept that such conditions would help alleviate some of the impacts, I do not consider that they would remove the harm I have identified to a degree that would make the proposal acceptable in planning terms. In any event, they would not overcome the harm I have identified to the character and appearance of the area.
18. The proposal would therefore be contrary to the objectives of policy DM1 of the LDP, the placemaking principles in PPW and the Welsh Government's commitment to achieving good design as set out in TAN 12.

Conclusion

19. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.
20. 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.

G Hall

INSPECTOR