

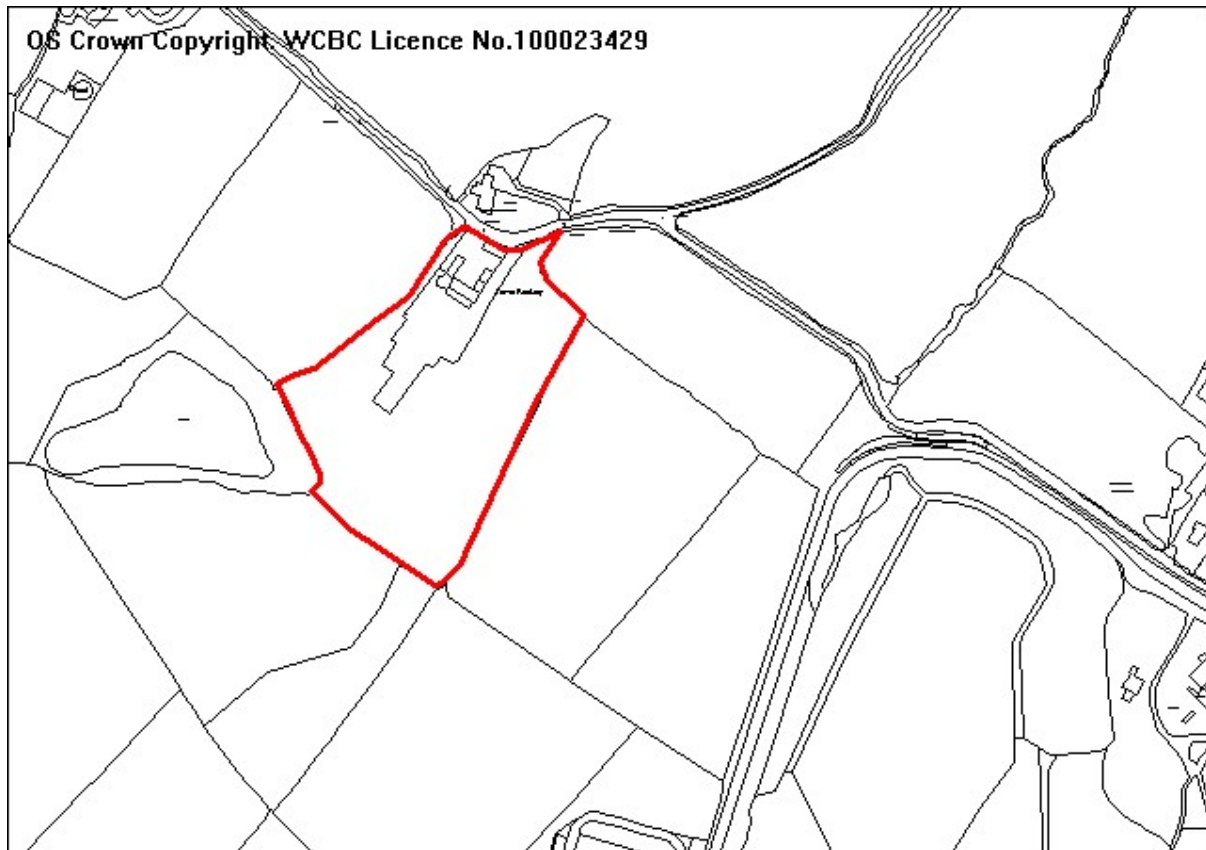
**TOWN AND COUNTRY PLANNING ACT 1990 APPEAL AT
LOWER RACKERY FARM, DARK LANE, BURTON**

COUNCIL'S STATEMENT OF CASE

**PLANNING REF: P/2023/0231
PEDW REF: CAS-03046-G8B0H4**

1.0 THE SITE

- 1.1. The site lies on Dark Lane in Burton and consists of a series of brick built barns lying in the open countryside



2.0 PROPOSAL

- 2.1 The appeal relates to the refusal of planning permission for 'Construction of new vehicular access including changes to the boundary wall and gates and new retaining wall'.

3.0 DEVELOPMENT PLAN

- 3.1 Policies DM1 and SP14 of the adopted Wrexham Local Development Plan are considered directly relevant to the appeal.

4.0 COUNCIL'S CASE

- 4.1 Since the refusal of the planning permission the Local Development Plan was adopted on the 20th December 2023. The now adopted policies DM1 and SP14 are therefore the relevant policies.
- 4.2 The land to the rear of the site was granted permission for the conversion of the barns to dwellings under application P/2013/0285 and renewed under

application P/2018/1083. The application the subject of this appeal sought to amend the approved access to the site and is retrospective with the works being substantially complete at the time the application was made.

- 4.3 The site lies outside the defined settlement limit of Burton and in an open countryside area. Prior to the works taking place an access was in place leading over a naturally vegetated access route. Appendix 1 shows the Streetview image of the site from 2011. A traditional stone boundary wall lay to the north of the access.
- 4.4 The Council does not agree that the site lies in a sub-urban area. There is only one residential property near the site and the access to this is a low metal post and rail fence. The other road boundaries in this area are grass verges with hedgerows typical of the rural setting.
- 4.5 The overall setting of the building is therefore considered to be in the open countryside and works should reflect the character of the area.
- 4.6 The works which have been undertaken have a more urban appearance with the land levels being altered and a large retaining wall being erected, the appearance of which dominates the frontage of the site. This is therefore contrary to Policy DM1 of the LDP as the works do not accord with or enhance the area.
- 4.7 The appearance of the wall, although it has since been partly screened by some planting, does not positively contribute to the appearance of the area or the property.
- 4.8 Policy SP14 of the LDP requires development to protect, conserve and enhance the natural environment. The construction of the wall resulted in alteration to the previous land levels and destruction of natural habitat, there has been no demonstration that the site provides any compensatory planting or biodiversity enhancement.
- 4.9 The development that has taken place can therefore not demonstrate if it is compliant with Policy SP14.

6.0 CONCLUSION

- 6.1 The Council considers that the works do not enhance or maintain character of the area by introducing a discordant feature into the rural landscape. It therefore respectfully requests that the appeal be dismissed.

Appendix 1

