



Further information about us is available at
<https://gov.wales/appeal-planning-decision>

PLANNING APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact us on 0300 0604400

To help you fill in this form correctly please refer our Procedural guide for Wales.

WARNING:

Your appeal must reach Planning and Environment Decisions Wales within 6 months of the date of the Local Planning authority's decision notice.

(NOTE: If any of the "Essential supporting documents" listed in Section L are not received by us within the appeal period, the appeal will not be accepted)

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT – The name of the person(s) making the appeal must appear as an applicant on the application form. **If this is not the case the appeal may not be registered.**

Name	ALLISON BYWATER	
Organisation Name (if applicable)	/	

B. AGENT (if any) FOR THE APPEAL

Name	/	
Organisation Name (if applicable)	/	
Reference		

C. LOCAL PLANNING AUTHORITY (LPA)

Name of the LPA	Wrexham Borough County Council	
LPA's application reference number	P/2023/0199	
Application form dated	16/3/2023	
Date of LPA's Decision notice (if issued)	17/7/2023	

D. APPEAL SITE ADDRESS

Address	2 WESTWAY PENLEY WREXHAM
Postcode	LL13 0JW

Size of the whole appeal site (in hectares)	N/A
Area of floor space of the proposed development (in square metres)	N/A

	YES*	NO
Are there any health and safety issues at, or near the site which the Inspector would need to take into account when visiting the site? <i>*If yes, please explain in your full statement of case (section H)</i>		X

	YES*	NO
Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?	X	
Is it essential for the Inspector to enter the site to check measurements or other relevant facts? <i>* If the answer is 'YES' please explain below</i>	✓	✓

NOT SURE AS THE LAND IS HIGHER ON BUNGALOW
TO THE FENCE IN QUESTION EITHER WAY

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or relevant facts.

E. DESCRIPTION OF THE PROPOSED DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised while it was with the local planning authority for consideration, you may enter a description of the revised scheme. Please enclose a copy of the LPA's agreement to the change.

WE ARE APPEALING THE DISMISSION OF THIS DUE TO SEVERAL REASONS

- SEVERAL NEIGHBOURS COMMENTED THEY WERE VERY HAPPY WITH THE FENCING ON THE WBCC SITE
- HIGHWAYS PASSED IT
- MSCC SAID NO DUE TO THEIR OPEN PLAN RULE OF THE FRONT OF PROPERTIES OF THE AVE. BUT AS PICTURES SHOW THIS ISN'T RIGHT & ALSO THE FRONT OF OUR PROPERTY IS OPEN ITS THE SIDE / BACK WHERE THE FENCE IS WE FEEL VERY VICTIMISED FROM MSCC AS THEY ARE MEANT TO HELP.
- The safety / Privacy issues are very worrying for us as the way the council have described we are worried for the safety of kids & our dogs & the worry of easy access for criminals (See letter please)

	YES	NO
Has the description of the works changed from that entered on the application form?	☐	☒
Is flooding an issue?	☐	☒
Does the works affect the setting of a listed building?	☐	☒
Is the appeal site within an Area of Outstanding Natural Beauty?	☐	☒
Does the site lie within a conservation area?	☐	☒
Does the site lie within a green belt/green wedge?	☐	☒
Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?	☐	☒

Statement of Case .

To Whom it may concern

I am writing with reference to my application for planning permission for a fence I put up recently.

There was an old fence up there which was rotten nails sticking out and bushes all over the pavements hanging over to the pavement so you couldn't get past the side of our bungalow. We have a large black Labrador which was very unsafe for as he could get out and cause trouble, also our grandchildren we have every day were very open to danger and accidents, so we looked around the village and found over 30 properties had erected a fence on the front and side of the houses and they were next to pavements too and some were over 6ft so we thought putting one up below 6ft at the back and side of the bungalow as it looked a lot tidier and presentable and we were told by several neighbours how clean tidy and better it was. This would keep the dogs and kids safe and also give us some privacy as everyone can see into our bedroom and into our back garden. We never thought we needed planning till we opened a letter to the previous owner as it had been a few months and we had no forwarding address for him we thought we better had this is when we saw the complaint the council had off a couple of people who had complained before the work had even been completed and now we no who it is and they have had an issue with our family for years and it was done in spite. So the council recommended us to apply for planning permission which we did on the 16th March 2023 (See emails)

After several months the neighbour told us they had received a letter from the council asking if they had any objections which they didn't in fact several neighbours commented saying how much better it was the visibility was good and they had no issues the elderly ones ¾ neighbours said they hadn't a problem but weren't very good on computers.

The council have since replied saying they have rejected the planning permission for one reason that the local community council said it should be open plan at the front of the property like the rest of the houses or bungalows (as you can see this is incorrect as most of them have walls or over 6ft bushes. Our front of the bungalow is open plan but as we are on the corner plot it means the side and back garden leads onto Oak Ave. This doesn't make sense as there was a fence there before and we can't leave our side and back garden open as our privacy and safety issues for people breaking in the dog escaping and people seeing into our bedrooms so they comment was incorrect and it doesn't add up where they didn't object to a house on the main Ellesmere lane (photo included) they passed on the main road with over 6ft fences all at the front of the property and side. We feel completely victimised from the local council committee as they don't have the same rule for the rest of the village and this was the only reason it was objected because Highways have passed it and the local residents also are with us. Also we wouldn't class it as a busy highway as it's a cul de sac and only people living on the estate come pass.

We feel very strongly and very upset as we are very worried if we are made to take it down that we will have to consider our 4 year old lab as he will get through bushes and the safety of the kids and really worried about our privacy on people seeing into our bedrooms and all our belongings in the garden getting pitched.

F. REASON FOR THE APPEAL

This appeal is against the LPA's decision to:

Please tick which applies

		☒
1.	Refuse planning permission for the proposed development.	☐
2.	Grant planning permission for the development subject to conditions to which you object.	☐
3.	Refuse approval of the matters reserved under an outline planning permission.	☐
4.	Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.	☒
5.	Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).	☐
6.	The failure of the LPA to give its decision within the appropriate period (usually 8 weeks) on an application for planning permission.	☒

G. Other Appeals

	YES	NO
Have you made any other appeals, for this, or nearby land, for example, against a refusal of planning permission?	☐	☒
If yes please give details, including our reference number, if known.		

H. FULL STATEMENT OF CASE

This is your **only** opportunity to make your case in connection with the reason for the appeal as indicated in section F. Therefore please provide your **FULL** statement of case. To do this, you need to go through the reasons for the decision (if provided), and explain why you disagree. Only the reasons within the LPA's decision and the reasons put forward by you at application stage should be included on your appeal form. You should not introduce any new reasons for the appeal. Please refer to our Procedural Guide for further information.

Please continue on a separate sheet if necessary

(Please see letter attached).

We feel very upset as so many house ^{Penley} in the village have these fences at the front of properties & side & we are only wanting to protect our kids & dogs for safety & for the dog not to cause accidents & the kids to be able to play in the garden safely. Also the person made the complaint is a family that have had it in for us for years & they haven't complained about the planning so feel that it's one mistake from msc to say it was front open plan which ours is but the fence is side/back so how can we have open plan in the side/back.

I. PROCEDURE (see guidance for further information)

Appeals dealt with under Part 4 of The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017 can be considered on the basis of written representation, a hearing, an inquiry or combined proceedings. In accordance with the Town and Country Planning (Determination of Procedure) (Wales) Order 2017, the Planning and Environment Decisions Wales will make a determination as to the most appropriate procedure and will review it throughout the process.

Please tick one box only

I consider the written representations procedure is appropriate.	☒
I do not consider that the written representations procedure is appropriate for the reasons given in the box below. I accept that it will be the Planning and Environment Decisions Wales decision as to whether a hearing, inquiry or combination will take place.	☐

If you feel that a hearing or inquiry is needed please provide your full reasons below, including the likely number of days you feel that the event will last and how many witnesses you intend to call.

J. APPLICATION FOR AN AWARD OF COSTS (see guidance for further information)

	YES	NO
Do you intend to submit a costs application with this appeal? <i>If yes, it must be submitted below</i>	☐	☒

K. Appeal Site Ownership Details (Part 1)

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal.

YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

Please read the guidance leaflet 'How to complete your planning appeal form' if in doubt.

*Please tick **ONE** box only*



CERTIFICATE A (If you are the sole owner of the whole appeal site, certificate A will apply)



I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see the guidance leaflet for a definition) of any part of the land to which the appeal relates

OR



CERTIFICATE B



I certify that the appellant (or the agent) has given the requisite notice (see the guidance leaflet) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see the guidance leaflet for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's Name	Date the notice was served

Please supply owner's address(es) on personal details page



CERTIFICATES C and D



If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D at Annexe 1 of our guidance and attach it to the appeal form.

K. Appeal Site Ownership Details (Part 2) - AGRICULTURAL HOLDINGS CERTIFICATE (this must be completed for all appeals)

We also need to know either the appeal site forms part of an agricultural holding.

Please tick either (a) or (b).

a	None of the land to which the appeal relates is, or is part of, an agricultural holding	☒
bi	The appeal site is, or is part of an agricultural holding, and the appellant is the sole agricultural tenant	☐
bii	The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:	☐

Tenant's Name	Date the notice was served

Please supply Tenant's address(es) on personal details page

L. Essential supporting documents

The documents listed in 1–6 below, must be sent with your appeal form; 7-12 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it.

Please tick the boxes to show which documents you are enclosing.



1	A copy of the original planning application sent to the LPA	☒
2	A copy of the site ownership certificate and ownership details submitted to the LPA at application stage (this is usually part of the LPA's planning application form).	☒
3	A copy of the LPA's decision notice (if issued).	☒
4	A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded in blue.	☒
5	A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.	☒
6	A list (stating drawing numbers) and copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).	☐
7	A copy of the Design and Access Statement (if required).	☐
8	Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers below:	☒
9	Any relevant correspondence with the LPA.	☒
10	If the appeal is against the LPA's refusal or failure to approve the matters resolved under an outline permission, please enclose:	☐
a	the relevant outline application;	☒
b	all plans sent at outline application stage;	☐
c	the original outline planning permission;	☒
11	The appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the original permission with the condition attached.	☒
12	If the appeal is against the LPA's failure to decide an application please supply a copy of the LPA's letter registering your application.	☐
13	A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).	☐

PLEASE SIGN BELOW (signed forms with all supporting documents must be received by us within the appeal period)

I confirm that I have sent a copy of this appeal form and all relevant documents to the LPA (if you do not your Appeal will not normally be accepted).

I confirm that all sections have been fully completed to the best of my knowledge.

I understand that you may use the information I have given for official purposes in connection with the Town and Country Planning Act 1990 and details including my name, the site description and my statement of case may appear online. By submitting this form I am agreeing to the use of the information I provide in this way.

Signature:

A Bywater

Name (in capitals)

ANNISON BYWATER

Date

24/8/2023

On behalf of (if applicable)

SEND

1 COPY to us at:

Planning and Environment Decisions Wales
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

E-mail: PEDW.Casework@gov.wales
PEDW.GwaithAchos@llyw.cymru

Helpline: 0300 0604400

1 COPY to the LPA

Send a copy of the appeal form and full statement of case to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

There is no need to send them all the supporting documents again; only send them any supporting documents not previously sent as part of the application.

Please keep a copy for your records

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

Any enquiries regarding this document/publication should be sent to us at the address above or e-mail: PEDW.Casework@gov.wales / PEDW.GwaithAchos@llyw.cymru