



Appeal Decision

By Declan K Beggan BSc (Hons) MSc DipTP DipMan MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 12.02.2024

Appeal reference: CAS-02904-Q8M8J4

Site address: Land Adjacent to Lynwood, Maes y Ffynnon Road, Minera, Wrexham, LL11 3DE.

- 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 & Mrs R Davies against the decision of Wrexham County Borough Council.
 - The application Ref MIN P/2023/0144, dated 20 March 2023, was refused by notice dated 19 July 2023.
 - The development proposed is described as a “Change of use of land to domestic and erection of detached garage”.
 - A site visit was made by the Inspector on 16 January 2024.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address varies slightly between that stated on the planning application form and the Council’s decision notice; I have used the former as it is more accurate.
3. The description of the proposal varies between that stated on the application form and the decision notice. At the request of the Council the description was altered to that stated in the banner heading above; it is on this basis that I have determined the application.
4. The proposed development subject to this appeal was assessed with regard to the planning policies of the Wrexham Unitary Development Plan (UDP). The UDP has recently been replaced by the adopted Wrexham Local Development Plan 2013-2028 (LDP) which now forms the primary basis for making decisions on planning applications/proposals within the area (alongside the Future Wales: The National Plan 2040). In regard to the proposed development, both main parties were given the opportunity to provide their view as to the implications of the adoption of the LDP and the relevance of policies contained within that document; I have had regard to any responses that were received.

Main Issue

5. The main issue in this case is the effect of the proposed development on the character and appearance of the area with particular regard to its location within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).

Reasons

6. The appeal site relates to a rectangular piece of land that lies close to but separated by a lane/drive from the appellants dwelling known as Lynwood. The appeal site which was covered in hardcore material does not form part of the lawful curtilage associated with Lynwood and it appears that its historic use was related to a now disused railway line. The site is located within the AONB in gently undulating countryside off a cul de sac lane that joins Maes Y Ffynnon Road. A public footpath runs in close proximity to the proposed development leading to Minera Quarry and forms part of the route for the 'Clywedog Valley Trail'. The Council highlight there is a possibility the proposal may encroach upon the footpath although this is not entirely clear as the path has no actual recorded width.
7. Irrespective of the historic use of the site, the site now has a visually muted appearance that is commensurate with its rural setting; the fact that it sits divorced on the opposite side of the lane from development such as Lynwood and the other adjacent dwelling reinforces this point. Contrary to the appellants' view, the proposed garage with a footprint of some 6 metres by 9 metres is not particularly small and would introduce a significantly sized structure into the rural environment separate from other development. Such development would draw the eye of the observer and appear as a prominent discordant urbanising feature at odds with the rural character of the area. The proposed materials or its open front appearance would not materially lessen the garage's detrimental visual impact. As a result, the proposal would neither conserve nor enhance the AONB.
8. Whilst I appreciate the proposal would benefit from local tree screening nonetheless it would still be very prominent within the immediate locality due to the presence of the adjacent public footpath.
9. In support of their case the appellants refer to aspects of the Council's Local Planning Guidance 14 'Garden Extensions in the Countryside' (SPG). However, notwithstanding elements of that guidance that may be supportive, the SPG makes it clear that garden extensions will only be supported where the landscape and appearance of the area would not be harmed; I have found such harm.
10. The appellants also seek to support their case by referring to other matters such as the site benefiting from natural surveillance that should assist in terms of potential vandalism. I appreciate concerns in regard to this matter, however there is no evidence to indicate the severity of the problem or the nature of any risk. Based on the evidence such concerns nor any other aspect of the appellants case would justify harmful development.
11. I note the Council's concerns, supported by others relating to the possibility the proposal may encroach upon the footpath although this is not entirely clear as the path has no actual recorded width. Bearing in mind my findings on the main issue, matters relating to possible encroachment onto the footpath have not been a determining factor in this appeal; in any event such matters, if relevant would be subject to separate legislative controls.
12. For the reasons given above, the proposed development would be harmful to the character and appearance of the area and as a result would run contrary to DM1 and

NE4 of the LDP which seek, inter alia, to safeguard visual amenity and conserve the natural beauty of the AONB.

13. 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 the Welsh Ministers' well-being objectives.

Declan K Beggan

Inspector