

2 Chapel View
Cadney Lane
Bettisfield
Wrexham
SY13 2LU

11 September 2023

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

Dear Sir/Madam

Re: Planning Appeal – Planning Application P/2022/0869

Land north/east of Cadney Lane, Bettisfield, SY13 2LN

Outline planning permission for the erection of 9 detached dwellings and all associated works

Having carefully read the Planning Appeal Form and Planning Appeal Statement relating to the above outline planning application **P/2022/0869** I am writing to you to lodge my **objection to the appeal** against the decision of Wrexham County Borough Council to refuse the planned residential development.

I note that the Planning Appeal Statement refers to the planning statement that accompanied the planning application P/2022/0869 in October 2022 and on which I had written on 6 November 2022 to lodge my objection. I noted in my letter that I was concerned as to the number of factual errors, mistakes, inconsistencies, misleading information and contradictions which the planning statement, planning application and supporting documentation contained, and upon which Bettisfield residents were expected to comment and also upon which the applicant expected Wrexham County Borough Council (WCBC) to make a decision on allowing the development to proceed.

I can see no changes or updates in the Planning Appeal Statement now submitted by the applicant that make any difference to the feasibility and acceptability of the planning application P/2022/0869. Indeed, the Planning Appeal Statement only focuses on landscape considerations and rural housing developments, whereas WCBC's reasons for refusing P/2022/0869 covered many other areas and policies, and which have not been taken into account by the applicant in the appeal. I would therefore argue that these reasons for refusal still stand and to which I allude in my response below.

I register my **objection** to the **Planning Appeal** referring to **Planning Application P/2022/0869** for the following reasons.

Information provided in the Planning Appeal Form

Assessment of Flood Risk

- In section E of the Planning Appeal Form, the 'No' box has been ticked against the question 'Is flooding an issue'. This is incorrect, as according to the Drainage Plan submitted with the

planning application in October 2022 part of the site **is** within an area at risk of flooding: the location of proposed properties 1, 2, 3 and 4 are all in Flood Zones 2 and 3.

- The proposal **is** within 20 metres of a watercourse, namely the ditch and culvert which runs alongside Cadney Lane.
- More detail is needed on the sustainable drainage system to dispose of the surface water, in terms of its adequacy and effectiveness in dealing with the excessive run-off at times of heavy rain. This is to avoid the proposed development compounding an already serious flooding problem in Chapel View (opposite the proposed site) and along Cadney Lane, of which WCBC has already been made aware.

Biodiversity and Geological Conservation

As noted in the Preliminary Ecological Appraisal submitted with P/2022/0869:

- 8a) on the Application Form is incorrect as **there are** protected and priority species on land near the proposed development: great crested newts, badgers, bats, kingfisher, redwing and fieldfare.
- 8b) is incorrect as **there are** designated sites and important habitats near the proposed development: Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses lie approximately 0.85 km from the site.

Information provided in the Planning and Design Statement, and referred to in the Planning Appeal Statement (*the section numbers refer to the Planning and Design Statement*)

2.0 Description of the site and its surroundings

- The proposed site **cannot be deemed as infill** as it is open field space which is characteristic of a rural village and is within a special landscape area. The proposed 9 properties also cannot be considered as 'infill' as such infill sites should only be 'one and no more than two' properties.
- The description of the site makes it sound as though this 'infill' site is tucked in between and opposite residential units, suggesting that these units are numerous. The few houses to either side are widely spaced apart, and there are only 4 houses opposite, again spaced apart and with large gardens.

3.0 The Planning Application Proposal

- A row of 9 houses on this site **will not provide a positive road frontage layout**, which is currently a green field outlook for the 4 houses opposite.
- The proposed number of 9 houses is too many for this rural area, they look squeezed together on the site plan, and will have a detrimental impact on the character and appearance of the surrounding landscape.
- The proposed ridge heights of the 9 houses indicate that they will have 2 storeys: given that the existing property on the immediate western boundary of the site is a bungalow and 1 of the 4 houses opposite is a small cottage-style house, the proposed 9 dwellings will not reflect the size and proportion of all of the existing dwellings, as is stated in the application.
- The applicant therefore is correct in stating that "The combination of sympathetic building height, mass and good separation together with good landscaping **ensure an unneighbourly development**." The proposed dwellings will most certainly ensure an unneighbourly development.

4.0 Planning Policy Context

This proposed development contravenes the Wrexham Unitary Development Plan 1996 – 2011 Policy GDP1 in the following areas, for the reasons stated below:

- The built development in its scale, design and layout **does not** accord with the character of the site and will not make a positive contribution to the appearance of the nearby locality.
- **d)** Safe and convenient pedestrian and vehicular access to and from the development site **will not** be ensured and there will be a negative impact on highway safety: Cadney Lane is unlit and no pavements are proposed to ensure pedestrian safety, and there is the potential for at least 18 cars exiting the development onto Cadney Lane and where there is no clear line of sight, especially to the left of the development.
- **e)** The built development **will not** be located where there is convenient access to public transport facilities. Bettisfield has no train service and there is only 1 bus which runs once a week on a Monday, providing a return journey to Wrexham.
- Part of the proposed development **is in Flood Zones 2 and 3** and will result in flooding in Chapel View and along Cadney Lane if surface water is not adequately discharged.

The applicant states that the site runs alongside Bettisfield's development boundary, and so is therefore **outside the UDP's permitted development area. The Planning Appeal should therefore be refused for this reason alone, as was the Planning Application P/2022/0869.**

The applicant also notes that a greenfield site within the development boundary was deemed unacceptable due to its location in NRW's surface water flooding zone, as if this provides a reason for the applicant to propose building outside the boundary as an acceptable alternative.

This proposed development contravenes the Planning Strategy Sustainable Development in the following areas, for the reasons stated:

- c)** There is only 1 bus which runs once a week on a Monday, providing 1 return journey to Wrexham from Bettisfield – so there are **no** "community and market bus services available" with pick up/drop off points in Bettisfield.

Policy PS4

The proposed dwellings are **not in keeping** with the existing row of dwellings on either side of Cadney Lane, certainly on the western boundary, due to the proposed ridge heights. As there is only 1 bus which runs once a week on a Monday from Bettisfield, providing 1 return journey to Wrexham, I would argue that this does not qualify as "bus services".

Policy H5

I would dispute that the existing houses on either side of the proposed site constitute a "developed area with a built frontage". These existing houses are all individual buildings of different styles and sizes, with some set at different angles along Cadney Lane, in large gardens and widely spaced apart.

Guidance Note 13

The proposed site **cannot be deemed as infill** as it is open field space which is characteristic of a rural village and is within a special landscape area.

Planning Policy Wales

9.3 Development management and housing

9.3.2 The proposed development of 9 houses **will** represent a significant incremental expansion of housing (and population) in a rural settlement such as Bettisfield which has a low housing stock of c.150 houses. The Foul Drainage Strategy submitted with this application is accounting for at least an extra 32 people being accommodated in the proposed development, which could equate to a 10% increase in the population of Bettisfield.

Travel needs **will not** be well served by public transport, and the proposed development **is likely** to result in unacceptable travel demand to urban centres. For these reasons, as stated by Planning Policy Wales, any such development **“should be avoided”**.

On the issue of the shortfall of housing in relation to Bettisfield, 2 houses have been on the market for the best part of 2022 with no sale yet agreed. There is **no infrastructure** in Bettisfield to warrant any further housing: it has no mains sewerage, no services or facilities such as school, shop or public house, and the roads are in a poor state of repair. Bettisfield is simply a group of private dwellings. A previous planning application P/2022/0002 for 4 houses on a nearby site was rejected by WCBC earlier this year, one of the reasons being that there is no infrastructure nor mains sewerage to support any further new development in Bettisfield.

6.3 Sustainable Development – The Development

The applicant is contradictory in saying that the site is serviced by mains drainage and yet saying that foul water will be pumped to a biodisc treatment. There is no mains drainage either in or near Bettisfield.

The applicant is contradictory in stating that the land is vacant and previously developed, as in the Application Form (section 6 Existing Use) it is stated that the current use is ‘agriculture’ and that the land is not currently vacant.

6.11 Access

There is the potential for at least 18 cars exiting the development onto Cadney Lane and where there is **no clear line of sight**, especially to the left of the development.

7.0 Locational criteria

The comments made by the applicant in this section are difficult to understand in terms of the “site being accessible to all” and where the “occupiers would not have to rely solely on the private car or public transport”. This would leave walking or cycling to work and/or leisure facilities, neither of which are that feasible for the majority of occupiers in a fairly remote settlement such as Bettisfield.

As stated above, the only public transport is 1 bus which runs once a week on a Monday from Bettisfield, providing 1 return journey to Wrexham.

8.0 Flood risk

This section is incorrect, as part of the proposed site **does lie within Flood Zones 2 and 3**.

9.0 Conclusion

This section is contradictory: the applicant says that the proposal complies with the WCBC Unitary Development Plan while acknowledging that the site runs both alongside and outside the development boundary and is a departure from the Development Plan – it cannot be both, and therefore **contravenes the Wrexham Unitary Development Plan** in this respect.

Supporting documentation

Preliminary Ecological Appraisal

My observations on the Preliminary Ecological Appraisal focus on the Great Crested Newt (GCN) as some **incorrect information** has been noted.

- The original site visit was made on 26.8.2021 to find and record any signs of use by protected species. Natural Resources Wales (and other Government sources) state that GCN surveys must be carried out during the great crested newt breeding season, from March to June. The site visit was therefore undertaken at **the wrong time of year** to survey for GCNs, and should therefore be discounted.
- Section 5.2 of the Appraisal, states that “no ponds were identified within 250m of the proposed development site”. **This is incorrect:** we have a garden pond which is approx. 40m from the western/southern edge of the proposed site, and we have a dated photograph of a GCN in our garden from January 2018, and which has been recorded with the WCBC ecologist. We have had sightings of GCNs near our pond this summer, and have taken photographs.
- It is noted that the Ecological Report was revised with regard to GCNs following comments received from Natural Resources Wales on 3 December 2021. However, it is unclear whether NRW’s concerns have been adequately addressed in the latest report, and that adverse impacts upon GCNs through this proposed development cannot be ruled out.

Foul Drainage Strategy

On the drainage map, the sewage treatment plant for the 9 properties appears to be located in the front garden of property No 2. As the Strategy states that the plant needs to be sited at least 7m away from any habitable parts of buildings, this looks very difficult to achieve, given the proximity of property No 2.

The drainage field appears to be located in the field to the rear of the proposed development, and on the map provided, looks to be well within 50m of the designated site boundary – the Strategy states that it has to be more than 50m from the site boundary. This field to the rear of the proposed site is also intensively farmed. As the Strategy states that traffic should be avoided on the drainage field as this could compact the soil, and that nothing should be planted with an extensive root system; this looks very difficult to achieve given the arable crop production each year on the field, along with the necessary tractor/sprayer/muck spreader/and combine harvester traffic over the drainage field.

Please note that a previous planning application P/2017/0290 on a nearby site in Bettisfield, resubmitted as P/2022/0002 noted above, was refused by Wrexham County Borough Council on the basis that **“No other method of foul water disposal other than to the main sewers would be suitable at this location. To allow the development would be contrary to policy GDP1 of the Wrexham Unitary Development Plan”**. Therefore the current WCBC planning stipulation states that there should be no more building developments in Bettisfield without mains sewage being installed. If WCBC were to accept the appeal against its rejection of planning application P/2022/0869 then the Council would be reneging on this undertaking.

Finally, it needs to be noted that there is a substantial length of mature hedgerow along Cadney Lane between the start and end points of the proposed development which has stood there for a considerable number of years. The Hedgerow Regulations (1997) state that it is against the law to remove most countryside hedges without permission from the Local Planning Authority who, on request, must determine if a hedgerow is important. WCBC therefore needs to investigate the importance of this hedgerow, and the applicant needs to be aware that the Council is unlikely to grant permission to remove any important hedgerow.

Given my objections noted above, I ask that the **Planning Appeal against WCBC's rejection of Planning Application P2022/0869 be refused.**

May I respectfully suggest that a visit is made to the proposed site to see how unsuitable it is for the planned residential development for the reasons I have noted above.

I wish to receive a copy of the appeal decision letter – thank you.

Yours faithfully

Alison J Jones

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Word Count – 2559 (3000 words allowed)