



Appeal Decision

by I Stevens BA (Hons) MCD MBA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 20.12.2023

Appeal reference: CAS-02813-H6S5W1

Site address: Glebe Farm, Livery Yard, Lane from Glebe Farm to A495 The Smithy, Bronington, SY13 3HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr and Mrs S Parker against the decision of Wrexham County Borough Council.
- The application Ref P/2022/0496, dated 23 May 2022, was approved on 16 December 2022 and planning permission was granted subject to conditions.
- The development permitted is creation of car parking area (in retrospect).
- The condition in dispute is No 4 which states that:

The development hereby permitted shall be removed within 28 days of a failure to meet any one of the requirements set out in i) to iv) below:

- Within 12 weeks of the date of this decision details of the siting and appearance of a 2m high fence (as measured from the ground level upon which it is to be erected) to be erected along the southern boundary of the area edged green on the Star Ecology New Biodiversity Benefit plan Version 1 dated 12 December 2022 shall be submitted for the written approval of the local planning authority;
- If within 20 weeks of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers
- If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Welsh Ministers
- The approved fence has been fully erected in accordance with approved details within 12 weeks from the date of approval in writing by the Local Planning Authority or, in the event of ii) and iii) above, by the Welsh Ministers.

Upon erection of the fence, it shall thereafter be permanently retained in strict accordance with the details as approved.

- The reason given for the condition is:

To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- A site visit was made on 14 November 2023.

Decision

1. The appeal is allowed and the planning permission Ref P/2022/0496 for creation of car parking area (in retrospect) at Glebe Farm, Livery Yard, Lane from Glebe Farm to A495 The Smithy, Bronington, SY13 3HU, granted on 16 December 2022 by Wrexham County Borough Council, is varied by deleting condition No 4.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice, which omits reference to 'retention' of the car park, since it is not a form of development. As the car park is in place, I have determined the appeal on the basis that retrospective planning permission is sought.

Application for costs

3. An application for costs has been made by Mr and Mrs S Parker against Wrexham County Borough Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect that varying or removing the disputed condition would have on the living conditions of occupants of Llynbedydd House.

Reasons

5. The appeal site comprises a parcel of land which is covered by gravel. It is used as a car park in association with an existing livery yard and manège at Glebe Farm, in the countryside. The site lies at the northern end of the property, which has a range of buildings including stables located nearby. The car park is bounded on two sides by a mix of hedgerows and trees, beyond which lie rural lanes that meet near the site corner.
6. Retrospective planning permission was granted for the car park, subject to planning conditions. The disputed condition requires details of a 2m-high fence to be agreed with the Council. The condition arises from concerns over disturbance caused to the occupants of Llynbedydd House, to the north of the appeal site on the other side of the lane, by virtue of vehicle activity within the car park. This includes the impact of light glare from vehicle headlights facing towards the neighbouring property.
7. The difference in site levels between the appeal site and Llynbedydd House means that vehicles within the car park will be at a higher position than the house. The northern boundary hedgerow has several gaps, and I noticed during my site visit that some of the planting had lost its leaves. The property has a tall, mature hedgerow along most of its frontage, which had also begun to lose some of its leaves. On the property's front elevation, a ground-floor lounge window, first-floor bedroom window and two rooflights face the appeal site. Given the height and position of the lounge window relative to the appeal site, and the deciduous nature of the intervening hedgerows, there is a risk of light glare from vehicles in the car park causing disturbance to occupants of Llynbedydd House.
8. It is suggested that the lack of lighting at the manège, which is restricted by a condition attached to a separate planning permission (Council Ref P/2021/1002), will limit its use to within daylight hours, thereby influencing the hours of operation at the car park. While there is no guarantee of this, and vehicles are likely to arrive and depart before or after events, the likely period of vehicles moving in the dark is short lived.

9. The appellant has proposed to create a landscaping buffer outside of, but adjacent to, the northern edge of the appeal site. The buffer would comprise rough grassland with a minimum of 15 native fruit trees planted at regular intervals in a linear form. Supplementary planting would be added to gaps within the boundary hedgerow and trimmed annually to a minimum 2m height. Although these measures had not been implemented at the time of my visit, they are contained in a biodiversity plan which is secured by means of condition No 1 on the planning permission.
10. The landscaping measures would provide a net benefit for biodiversity, and the Council supports them, subject to the planning condition securing its implementation. The proposed planting would move the parking area further back from the northern boundary. I recognise that the planting would be predominantly deciduous, with the greatest risk of light glare during winter months. However, the planting and additional separation distance would be an improvement on the current situation, strengthening the boundary edge and minimise the threat of glare caused from vehicle lights facing towards Llynbedydd House. Given the screening benefits of these proposed measures, it is not necessary to place a 2m-high fence along the southern edge of the landscaping buffer.
11. I have also had regard to concerns raised regarding noise and overlooking arising from the use of the car park. The movement of vehicles to and from the car park and associated visitor activity, particularly during larger events, has resulted in greater intensity of activity. However, I am not convinced that the scale of activity and associated movements has resulted in a significant increase in noise, which results in harmful disturbance to nearby residents. The manège and livery stables are the main sources of activity at Glebe Farm and they are set further away from the nearest dwelling. The Council's Public Protection Officer did not object to the proposal on noise grounds. In addition, the proposed landscaping measures will provide additional separation between the car park edge and dwelling. As such, the proposed fencing is not necessary for any noise mitigation reasons.
12. I recognise that occupants of Llynbedydd House can see into the appeal site from its upper windows. However, the nature of any overlooking from within the car park is not significant given the nature of its use and the intervening vegetation. Any observation of the property from within the car park would be brief. Overall, any intervisibility would not be such as to cause unacceptable loss of privacy.
13. I conclude that the removal of condition No 4 would not be harmful to the living conditions of occupants of Llynbedydd House, and there would be no conflict with the amenity criteria in Policy GDP1 of the Wrexham Unitary Development Plan 1996-2011 (UDP). As the condition is not necessary, I shall delete it.

Other Matter

14. On 18 October 2023, the Welsh Government published an update to Chapter 6 of Planning Policy Wales (PPW), which covers green infrastructure, net benefit for biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. The updated advice in PPW is to apply a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks, and deliver net benefits for biodiversity. The first priority is to avoid damage to biodiversity in its widest sense and ecosystem functioning. The Council considers the appeal site was semi-improved grassland and grazed by horses. It also considers that the impact of hard surfacing would be similar wherever it was laid on site. The car parking is close to its access point and measures are included to provide biodiversity enhancement, whilst also separating vehicle parking from the hedgerow. On balance, although the step-wise approach has not

been rigidly followed, in this instance I am satisfied that the proposal complies with the overall thrust of advice in PPW.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed. I will vary the planning permission by deleting the disputed condition.
16. 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.

I Stevens

INSPECTOR