

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 174 APPEAL AT:

Land at Coed Y Nant, Cross Street, Pentre, LL14 5AN

COUNCIL'S STATEMENT OF CASE

PLANNING REF: ENF/2021/0274

PEDW REF: CAS-02692-F6V1D8 & CAS-02694-C1W9P8 (AR/046152)

Wrexham County Borough Council's ('the Council') case is presented in the officer's delegated reports submitted with this statement as Appendix 1 and Appendix 2, which sets out the Council's considerations and assessment.

There have been no material changes to the Development Plan for the Wrexham County Borough or to National Planning Policy and guidance since the time of the enforcement notices being served.

The Council does not wish to re-iterate the assessment of the site and the harm that has been created as detailed within the reports attached as Appendix 1 and Appendix 2. However, in response to the grounds of appeal made by the appellant the council would wish to make the following further comments:

Operational development appeal

1.0 Ground G appeal

The compliance requirements of the notice are:

1. Dismantle and remove the remaining close boarded fencing from the northern boundary of the land.
2. Remove the metal pergola from the land.
3. Remove residential paraphernalia including lights and ornamental planting from the land.
4. Dismantle the wooden shelter from the front elevation of the static caravan and remove from the land.
5. Dismantle the shed sited next to the static caravan and remove from the land.
6. Dismantle the decking area along with the posts and rope and remove from the land.
7. Remove the gravel, wooden steps and patio slabs from the land.
8. Reinstate the ground levels to their original state.

The Council would like to add the following comments:

1.1 Under Ground G the appellant's agent has stated the appellant will require a period of 1 year as the requirements of the notice are extensive and will incur financial costs.

1.2 The Council would be not be agreeable to an extension of the compliance period as it believes a period of 6 months is enough time to carry out the requirements of the notice.

It should be noted that the Appellants have removed the close boarded fencing along the boundary and replaced with a post and rail fence.

Change of use appeal:

2.0 Ground G Appeal

The compliance requirements of the notice are:

1. Cease use of the land for residential purposes.
2. Permanently remove the static caravan from the land.

The Council would like to add the following comments:

2.1 Under Ground G the appellant's agent has stated the appellant will require a period of 2 years as the Appellant and their wife have nowhere else to live and so will be made homeless as a result. The Appellant and their wife have lived at the appeal site for several years and have sought planning permission at appeal in order to fight to maintain their home.

2.2 The Council were first notified of the static caravan on the land in September 2021 which means the appellant and his wife have lived on site for approximately 2 years to date. The notice was served in March 2023 after a planning application was refused. In February 2023 the Council's Housing Options Team were notified of the Appellants situation and were asked to try and locate some accommodation for the appellant. The housing Options Team have confirmed they have an active case for the appellants however they have not registered as homeless.

2.3 The Council would not be agreeable to an extension of the compliance period as the Appellant could be found alternative accommodation if they registered as homeless with the Council. The Appellants have already had an extended period of stay due to the appeal being submitted.

Conclusion

The Council has considered the information provided by the appellant in their appeal statement. Whilst this content is duly noted, the Council is not in agreement with the points of challenge that have been raised.

There remains a breach of planning control, which the Council contends should be rectified through the steps set out within the Enforcement Notice and for the reasons detailed within the Delegated Reports attached as Appendix 1 and Appendix 2 to this appeal statement.

Therefore, the Council would respectfully ask that this appeal is dismissed.

