



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 31/5/22

gan **Mr A Thickett BA (Hons) BTP Dip
RSA MRTPI**

**Arolygydd a benodir gan Weinidogion
Cymru**

Dyddiad: 21.06.2022

Appeal Decision

Site visit made on 31/5/22

by **Mr A Thickett BA (Hons) BTP Dip
RSA MRTPI**

**an Inspector appointed by the Welsh
Ministers**

Date: 21.06.2022

Appeal Ref: CAS-01527-L8N6L3

Site address: Barngate Stables, Musley Lane, Overton, Wrexham, LL13 0LB

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Mrs S Griffiths against the decision of Wrexham County Borough Council.
 - The development proposed a timber framed storage and welfare facility for equestrian purposes.
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Decision

1. The appeal is allowed and planning permission granted subject to the conditions in the Schedule at the end of this decision.

Main Issues

2. The main issues are:
 - the impact of the proposed development on the character and appearance of the area
 - the effect of the proposal on the River Dee and Bala Lake Special Area of Conservation (SAC).

Reasons

Countryside

3. The appellant intends to use the appeal site for breeding and raising thoroughbred racehorses. In 2021 planning permission was granted for the erection of a stable block. The stable block has yet to be erected but the appellant intends for it to accommodate her horses which are currently stabled at two different stud farms. The proposed store and welfare would provide facilities for the appellant, her partner and visitors, such as vets and farriers.
4. The Council considers the facilities and size of the building to be excessive for the use of the site, which it says is for the grazing and keeping of horses. I have seen nothing to indicate that keeping does not include breeding and the Council does not dispute the

appellant's claim that the proposed facilities are the minimum to fulfil the requirements of the Health and Safety Executive, the recommendations of the British Horseracing Authority and the Thoroughbred Breeders Association.

5. The site is in an isolated, rural location, some distance from where the appellant lives. Given the nature of the intended use of the site it is likely to be necessary for the appellant to attend the site for long periods. Further, washing and toilet facilities would be necessary not only for the appellant and her partner but essential for vets carrying out medical examinations or procedures.
6. The proposed building would be of a style and appearance common to a rural location and would match the design and appearance of the permitted stable block. The yard shares the access to Musley Farm, which comprises a large farmhouse and associated buildings adjoining the appeal site. The buildings would be screened by the mature hedges and trees on the boundary with Musley Lane and be read as a group with Musley Farm.
7. I consider the proposed development would blend in with and complement the existing and proposed development. I conclude that the proposed development would not have an adverse impact on the character and appearance of the area and complies Policy GDP1 of the Wrexham Unitary Development Plan 1996-2011, adopted 2005 (UDP).

River Dee and Bala Lake SAC

8. The site is within the catchment of the River Dee and Bala Lake SAC. Development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC.
9. NRW advise that if the users of the proposed facilities already live within the catchment of the SAC, there would be no additional phosphorus discharges into the catchment. NRW's general advice is development that does not increase the volume of wastewater can be screened out as not likely to have a significant effect on the riverine SAC.
10. The appellant and her partner live in the catchment area as does one of the two vets she uses. The other lives outside the catchment area. The appellant estimates the vets are unlikely to visit more than once a month on average. The proposal would result in a vet who does not live in the catchment area using the washroom and WC facilities. However, visits would be occasional, likely to be once a month at most and likely to be for short periods. I consider the level of additional phosphorous discharges arising from one person visiting the site for short periods around 12 times a year to be de minimis. Subject to conditions regarding the arrangements for foul drainage and to ensure the facilities are ancillary to the use of the stables, I consider that in the particular circumstances of this case, the proposal is not likely to have a significant impact on the SAC. An Appropriate Assessment is not, therefore, required and I conclude that the proposal complies with Policies GDP1 and EC6 of the UDP.

Conditions

11. Circular 16/14 warns that a condition will not be relevant to a development if it attempts to control something not created by it in the first place. The concerns of the Highway Authority are noted but the proposed development before me seeks to provide facilities to support the appellant's use of the land. The imposition of a condition prohibiting the use of the land or stables for any commercial equine or livery purposes would fail the tests of the Circular in that it is not related to the development for which planning permission is sought.

Conclusion

12. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.
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 building a prosperous and resilient Wales.

A Thickett

Inspector

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Schedule

The appeal is allowed and planning permission granted for a timber framed storage and welfare facility for equestrian purposes at Barngate Stables, Musley Lane, Overton, Wrexham, LL13 0LB in accordance with the terms of the application, OVE P/2021/0862, dated 19 July 2021, subject to the following conditions:

1. The development shall begin no later than five years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the following plans: Site Location Plan: 6741 A, Block Plan: 6742 A, Plan & Elevations: 6703 A.
Reason: To ensure that the development is carried out in accordance with the approved plans.
3. No development shall take place until details of Reasonable Avoidance Measures in respect of Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the UDP.
4. No development shall take place until details of the proposed package treatment plant, maintenance plan and means of disposal of waste sludge have been submitted to and approved in writing by the local planning authority.
 - i. The building hereby permitted shall not be brought into use until the approved package treatment plant has been installed.
 - ii. The package treatment plant will be maintained in accordance with the approved maintenance plan for as long as the development hereby permitted remains in existence.
 - iii. Waste sludge shall be disposed of in accordance with the approved means of disposal for as long as the development hereby permitted remains in existence.Reason: To safeguard the River Dee and Bala Lake SAC and to comply with Policy EC6 of the UDP.
5. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the stable block permitted under application reference P/2020/0840.
Reason: To safeguard the River Dee and Bala Lake SAC and to comply with Policy EC6 of the UDP.