

REAL PLANNING

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Date: 22nd November, 2021
Our Ref: 119/BryerStables
Your Ref: P/2021/0888

Planning Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Fao Mared Rees-Jones

Dear Mared,

**Erection of new stable block, provision of access, associated earthworks and landscaping to provide animal physiotherapy business
Land adjacent to Bryer, Trevor Hall Road, Garth, Wrexham
Planning application ref no: P/2021/0888**

In the beginning you maintained that the application was to be a delegated refusal - your first email [dated 21/10] in which you stated:

"notwithstanding that you wish to address the concerns raised by NRW, there are significant issues associated with this application, which include the principle of development, and for these reasons, the application will be recommended refusal."

In the above email you mentioned the relevant UDP Policies to be E5 and EC5.

I demonstrated [in my email of 22/10] that efforts could be made to deal with the other 'significant issues'. However, despite this, you responded that day, stating:

"The application is for a commercial business in the open countryside, where UDP Policy E5 (contained within the Wrexham UDP and available to view online) is applicable. The principle of development, I do not consider to be acceptable, given the conflict with UDP Policy E5"

and,

"In terms of wanting to submit further information to overcome other reasons for refusal, whilst I appreciate you may want to do this, notwithstanding that the principle of development is not acceptable, I am not prepared to agree an extension of time to allow you to submit this information."

Despite two letters to you [01/11 and 03/11], detailing further information and reasons why there should be a favourable consideration of the proposed location, you maintained [in your email of 09/11] that:

"I note the additional information you have submitted to date. In my view, this does not change my recommendation of refusal of the application on the basis of the principle of development."

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Your statements above show a clear intention to recommend refusal without any mention of the need to provide any further information to justify the proposal. Then, in your email dated 10/11, you state:

" I'm sure you will no doubt be aware of the level of information needed to justify a new building to facilitate a commercial business in the open countryside." Also, in this email, for the first time, you go into detail as to what justifying information is required.

Again, in your email dated 16/11, you state:

"The principle of development does not solely rest with its location – the principle of development requires justification in instances such as this where a new building for commercial purposes in the open countryside is proposed and where there is a clear conflict with relevant UDP Policies."

However, despite your surety to the contrary [your email 09/11], I am not aware of where 'the principle of development requires justification' is referred to in UDP Policy E5 or its resulting 'reasoned justification' [UDP Written Statement Para 7.11]. I should be pleased if you would point me to such reference. I also do not understand your reference to 'where there is clear conflict with relevant UDP Policies'. However, as you know, I have already given a positive response to addressing the other issues raised [see my letter dated 03/11], ie. Ecology [provision of a Report on Protected Species], Landscape [either demonstrating the scale and the design of the proposal is appropriate to the satisfaction of NRW Landscape Officer or submission of an amendment to the proposed development, together with the submission of a Landscape Proposals Plan, Foul Drainage and Phosphates. I have also seen the Highway Response on the Council's website which states that the visibility splays to the egress onto the main road **'are considered acceptable'**. However, the Highway Officer's conclusion that **'we would not normally support an application which increases traffic movements using a substandard access arrangement'** and then also asking for **'vehicular tracking analysis to confirm the feasibility of the access arrangements for both the internal site layout and access onto the public highway'** is at odds with the previous statement of the site access. Again, why is the Highway Officer asking, in bold in the response, for a site plan detailing the parking arrangements / layout, when it is stated earlier, that **'there appears to be an appropriate sized area to accommodate vehicular parking arrangement'**, particularly, when the parking area will not result in any issue of highway danger, being 110m from a highway.

Obviously, I was not asking you for 'a list of alternative sites' as stated in your email of 16/11. Having worked in planning for 47 years, I am very aware that it is not for the LPA to suggest sites. It was clearly a rhetorical question demonstrating that if you say the open countryside is not an appropriate location for what is a countryside operation, and neither is it within settlement limits nor within employment limits, then where is it appropriate? Perhaps, it is my fault for not being clearer.

In your answer [your email of 16/11] to my Question 3 [Why is the proposed development not in accord with PPW [Edition 11]? In referring to the rural economy, it states that "While some employment can be created in rural locations by the re-use of existing buildings (reference here also to PPW TAN 6 – Planning for Sustainable Rural Communities) **new development will be required in many areas**"]. You again confusingly say, "I have already advised you that on the

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basis of the information submitted to date as part of the application, I do not consider the principle of development to be acceptable."

I should be grateful for clarification in relation to my comments above, as a response is essential to my understanding of your stance to my client's application enabling me to properly respond.

Finally, it will take some time to put together the required information, particularly when a lot of it will be subject to the work schedules of external consultants. For that reason, I ask that you would, please, withdraw the application from the December Planning Committee to allow sufficient time for me to collate this supporting information.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'J G Kellett', written over a horizontal dotted line.

J G Kellett

for **REAL PLANNING**