
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 7/11/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 30/11/2018

Appeal Decision

Site visit made on 7/11/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 30/11/2018

Appeal Ref: APP/H6955/A/18/3207319

Site address: 2 Coed Aben Farmhouse, Coed Aben Road, Wrexham Industrial Estate, Wrexham LL13 9UH

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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Alan Levey against the decision of Wrexham County Borough Council.
 - The application Ref ABE P/2018/0417, dated 17/05/2018, was refused by notice dated 5/07/2018.
 - The application sought planning permission for change of use from C3 (Residential Dwelling) to C2 use (Residential Children Home) including formation of new vehicular access without complying with conditions attached to planning permission Ref ABE P/2017/0965, dated 2/01/2018.
 - The conditions in dispute are Nos 7 and 8 which state that: "No part of the building shall be used for the purposes hereby granted until the existing front door has been blocked up and an alternative means of access to the building has been provided at the rear of the property", condition 7 and, "Other than maintenance no use shall be made of the front garden area which includes all the land within the application site which, for the avoidance of doubt, lies between the front elevation of 2 Coed Aben Farmhouse and Coed Aben Road", condition 8.
 - The reasons given for the conditions are: "To provide privacy and protect the amenity of No 1 Coed Aben Farmhouse", conditions 7 and 8.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from C3 (Residential Dwelling) to C2 use (Residential Children Home) including formation of new vehicular access at 2 Coed Aben Farmhouse, Coed Aben Road, Wrexham Industrial Estate, Wrexham LL13 9UH in accordance with the application Ref ABE P/2018/0417 made on the 17/05/2018 without complying with conditions Nos 7 and 8 previously imposed on planning permission Ref ABE P/2017/0965 granted on 2/01/2018, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect.

Background and Main Issue

2. Planning permission has been granted to change the use No. 2 Coed Aben Farmhouse from a dwelling to a residential children home on 02/01/2018. Nos. 1 and 2 Coed Aben Farmhouse are linked dwelling houses at the front adjacent to the front garden which is owned by No. 2. No. 2 extends to the rear of the site and then turns ninety
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degrees to form an L shaped dwelling. The existing access is to the side of No. 2 with a large rear garden and outbuilding and smaller front garden. These properties are located on the Wrexham Industrial Estate.

3. The appellant objects to the imposition of conditions 7 and 8 on the planning permission and sought to have the conditions removed but this was refused on the basis that the proposed use would be more intensive resulting in harm to the living conditions of occupants of No. 1 in relation to privacy and amenity. This refusal is the basis of the appeal under consideration.
4. The main issue is the effect the removing of the disputed conditions would have on the living conditions of occupants of No. 1 Coed Aben Farmhouse in relation to noise, disturbance and privacy.

Reasons

5. The planning permission granted for the residential home was based on a new access and parking area to be formed from the side road serving industrial units and that the existing vehicular access be closed-off in accordance with a scheme to be agreed with the local planning authority. The parking areas would be arranged around the side and rear of the building retaining an area of garden.
6. Staff, the manager and visiting specialists would park to the rear of the building. There is an existing rear entrance to the building in the ground floor utility room leading into the kitchen. It seems probable that during shift changes visitors would use this entrance as a path as shown on the plan. It would be a simple matter to inform all those who regularly visit the premises that this should be the main entrance and a small sign could be put in place to direct visitors to this entrance from the car park. This would be a matter for the management of the facility. I also note from the proposed site plan that the path to the front of the property would be impeded by parking spaces.
7. The existing property, a 5 bedroom house, is a large family home. The development granted would accommodate 3 children and 3 staff during the night with one staff member of the three staying awake. During the day the site manager would be present and the children would attend school during term-time and be involved in other activities outside school times. The staff shift would change after two days. The Council notes that this would be a more intensive use and whilst that maybe the case, given the present and proposed arrangement in relation to the rear entrance of the property I am not persuaded that the proposed use would result in the front entrance being used more frequently than the current use.
8. The neighbouring property window overlooks the front garden of No. 2. The front garden could be used to its full extent by a large family occupying No. 2. The fact that the use would change to that of residential home for children would not change this impact to any degree. The residents are concerned about the occupants of the proposed use but the planning consequences of the use would not change the historical physical relationship that presently exists. Planning is concerned with the land use consequences and not the type of occupant. I therefore do not consider that there is compelling evidence that the proposed use would give rise to privacy concerns, noise and disturbance in relation to the use of the front garden over and above what could occur lawfully by a large family occupying the property as a dwelling.
9. I have considered all other matters but none turn me away from my conclusion on the main issue that the effect of removing the disputed conditions would not harm the

living conditions of occupants of No. 1 Coed Aben Farmhouse in relation to noise, disturbance and privacy. I find no conflict arising with Policy GDP1 (d) and (f) of the Wrexham Unitary Development Plan.

10. I consider that the disputed conditions should be removed and the appeal should succeed.
11. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Iwan Lloyd

INSPECTOR