

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
THE TROTting MARE KNOLTON OVERTON**

COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2015/0714

PINS REF: 3143144

1.0 THE SITE

- 1.1 The building subject to the appeal adjoins the Trotting Mare, a public house with associated residential accommodation. The public house forms part of a larger site that is used for holiday accommodation (touring and static caravans).

2.0 PROPOSAL

- 2.1 To convert the existing building to 3 units of holiday accommodation.

3.0 PLANNING HISTORY

- 3.1 CB00066 Erection of building to house children's adventure play equipment, glazed link and repositioned bottle store. Granted 13.6.1996
- 3.2 P/2008/0410 Use of existing softball play building to retail premises for the sale of food and gifts. Refused 9.6.2008

4.0 NATIONAL PLANNING CONTEXT

- 4.1 Planning Policy Wales
- 4.2 Technical Advice Note 6: Planning for Sustainable Rural Communities
- 4.2 Technical Advice Note 13: Tourism
- 4.3 Technical Advice Note 23: Economic Development

5.0 LOCAL PLANNING CONTEXT

- 5.1 The relevant development plan is the Wrexham Unitary Development Plan adopted 14 February 2005. For the purposes of the appeal policies GDP1 and CLF9 will be referred to.

6.0 THE COUNCIL'S CASE

- 6.1 The Council does not question whether the building is structurally sound. However due to its existing form and construction the Council is concerned that the building will require extensive reconstruction in order to be converted to holiday accommodation and that these works will be tantamount to the erection of a new building. The appellant has not supplied sufficient information to demonstrate otherwise. Accordingly the Council contends the proposals do not accord with part b) policy CLF9
- 6.2 The proposed development will involve the provision of new windows as well as a large doorway in the north elevation. The walls will also be clad in timber. The alterations will do little to enhance the appearance

of the building or the site, indeed the cladding will make the building more noticeable particularly as there will be a stark contrast between it and the metal profiled roof that is to be retained. The Council therefore contends that the proposals will detract from the appearance of the site and immediate locality and therefore conflict with part d) of policy CLF9 and policy GDP1(a).

7.0 GROUNDS OF APPEAL

- 7.1 The appellant suggests that the building was originally constructed in 2005. However the Council contends that it was constructed some time before then. The building can be seen on an aerial photograph of the site dating from 2001 – see below:



8.0 CONCLUSION

- 8.1 Insufficient information has been submitted to demonstrate that the building is capable of conversion without extensive rebuilding tantamount to the erection of a new building. The development will also detract from the appearance of the site and immediate locality. The proposals are therefore contrary to policies GDP1 and CLF9 of the Wrexham Unitary Development Plan. The Council respectfully requests the appeal be dismissed.

Suggested Conditions

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the following drawings:
 - i) Trotting Mare Caravan Park: Proposed car parking layout;
 - ii) Proposed West Elevation;
 - iii) Proposed north, east and south elevations;
 - iv) Proposed Ground Floor and Proposed First floor.
3. The vehicular parking and turning areas as shown the drawing Trotting Mare Caravan Park: Proposed car parking layout shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.
4. The accommodation shall not be occupied at any time other than for holiday accommodation. For the avoidance of doubt none of the units shall be occupied at any time as a person's sole or main place of residence.
5. The site owner/owners shall at all times maintain:
 - i) an up to date register of the names of the occupiers of each of the units accommodation, to include their main home addresses as evidenced by an up to date copy of a Council tax demand for the property claimed to be their main dwelling;
 - ii) a log of the exact dates each unit of accommodation has been occupied and by whom.

The registers/logs shall be main available at all reasonable times for inspection by officers of the Local Planning Authority. Responsibility for the collection and maintenance of the registers/logs shall be that of the owner of the units of accommodation.

Reasons

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To enable control over matters which have been specified in the application.

3. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
4. In the interests of ensuring the site is only used for the proposed purposes
5. In the interests of ensuring the site is only used for the proposed purposes