

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 28/01/16

gan Kay Sheffield BA(Hons) DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22/02/2016

Appeal Decision

Site visit made on 28/01/16

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22/02/2016

Appeal Ref: APP/H6955/A/15/3136190

Site address: Royal Oak, Fennant Road, Ponciau, Wrexham, LL14 1HL

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 by Mr Paul Evans against the decision of Wrexham County Borough Council.
- The application Ref P/2015/0646, dated 24 August 2015, was refused by notice dated 1 October 2015.
- The development proposed is the renovation of domestic accommodation and change of use of ground floor public house to residential accommodation to make two modern units.

Decision

1. The appeal is dismissed.

Procedural matter

2. In refusing planning permission the Council cited the Wrexham Unitary Development Plan 1996 – 2011 (UDP) which was adopted by the Council in February 2005. The Appellant has questioned the relevance of the UDP in view of the time period it is given to cover. However, despite its age, the UDP remains the adopted development plan. Section 38(6) of the Town and Country Planning Act 1990 imposes a duty on the decision maker to determine an application in accordance with the development plan unless material considerations indicate otherwise. I am therefore required to have regard to the UDP in determining the appeal.

Main Issues

3. The main issues are the effect of the loss of the public house on the social and economic fabric of the locality and the effect of the proposal on highway safety.

Reasons

4. The appeal site is located on the northern side of Fennant Road and consists of two parts, one to either side of the junction with Brynydd. The western parcel comprises the former public house with living accommodation above and the eastern parcel is part of a larger car park. It is proposed to convert the building into two dwellings with associated parking on the land to the east. The remainder of the car park does not form part of the appeal site and is not identified in the planning application as being in

the control of the Appellant. However, as part of the appeal the Appellant has confirmed ownership of the car park.

Social and economic effects

5. The site lies within the settlement limit of Ponciau as identified in the UDP where the principle of residential development is accepted. However, Policy S9 of the UDP seeks to protect local facilities such as public houses. Developments which entail their loss are only permitted where the use is no longer viable and all reasonable attempts to sell or let the business over a twelve month period have proved unsuccessful. The policy also allows development where the building is in a derelict or unsightly condition and the proposal would bring about substantial environmental improvements and where the loss of the facility would not prove detrimental to the social and economic fabric of its locality.
6. The proposed scheme would make few external changes to the building. Although it is old and would need extensive work to bring it up to modern living standards, there is no substantive evidence that the building is in a derelict or unsightly condition and that the proposal would bring about substantial environmental improvements.
7. The Council's grounds for refusing permission were based on the lack of information to demonstrate that the use of the premises as a public house was unviable or that there had been reasonable attempts to sell or let the business over a 12 month period and those attempts had been unsuccessful. Although the Appellant submitted further information as part of the appeal, the Council has indicated that this information does not address its concerns.
8. The additional information indicates that the previous owners found the property was no longer viable to trade as a public house as it had had a succession of failed tenants and they considered it not viable to invest in the property. I understand that marketing of the site by local and national agents started in February 2013 and that the property was vacant and boarded up for over twelve months before its sale in June 2015. Although a letter has been submitted from the agents confirming its instructions to market the site, the letter indicates this was as a development opportunity. No specific details of the marketing or the interest it generated have been submitted and there is therefore no confirmation as to whether the retention of the property as a public house was an option presented in the marketing of the property for others to consider.
9. Whilst the evidence may indicate that the previous owners had no further interest in the site as a public house, without details of the marketing exercise I do not consider sufficient information has been submitted to confirm that there is no interest from other parties in this respect. Moreover I have no evidence with regard to the financial viability of the use as a public house. I therefore consider that it has not been proved satisfactorily that the use of the appeal site as a public house is no longer viable and all reasonable attempts to sell or let the business over a twelve month period have been unsuccessful.
10. Although there have been no objections to the loss of the public house, I am not satisfied by the evidence that its loss would not prove detrimental to the social and economic fabric of the locality and compliance with Policy S9 of the UDP has not been demonstrated.

Highway safety

11. The proposed layout provides four parking spaces, two to either side of an access from Brynydd with a central area for turning. Whilst the proposed number of spaces is satisfactory, the position of the spaces would result in vehicles parked in the north western space impeding visibility for drivers leaving the site. In addition the area separating the parking spaces would be less than the six metres required by the Council's Local Planning Guidance Note 16: Parking Standards. As a result the layout would impede the ability of drivers to manoeuvre vehicles within the site.
12. Although the land has been used for parking in association with the public house and it is likely that the proposed use would generate less traffic, it is necessary that the proposed scheme complies with current standards in order to ensure the safety of those using Brynydd. Only relatively modest amendments would be needed to render the scheme satisfactory and although this would require land which lies outside the appeal site, the Appellant has confirmed that the remainder of the car park is in his ownership. It should therefore be possible for the scheme to be amended to provide satisfactory access and parking. Nevertheless, as submitted, the development would fail to accord with Policy GDP1(d) and T8 of the UDP.

Other material considerations

13. I have noted the Council's error in displaying on its website that permission had been granted and that the Appellant had therefore commenced work on the scheme before receipt of the official written notification of the Council's decision to refuse permission several days later. However, it is not within my remit to comment on this matter and it carries no weight in favour of the appeal.

Conclusion

14. The proposed development would fail to provide safe and satisfactory access and parking provision. Whilst this is a matter which could be overcome, it does not outweigh the potential harm the loss of the public house may have to the social and economic fabric of the locality.
15. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

Kay Sheffield

INSPECTOR