

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 27/01/14

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: **27/02/14**

Appeal Decision

Site visit made on 27/01/14

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appoint

ted by the Welsh Ministers

Date: **27/02/14**

Appeal Ref: APP/H6955/A/13/2208381

Site address: Greenacres, Green Lane, Halton, Chirk, Wrexham, LL14 5BG

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 Miss Stephanie Evans against the decision of Wrexham County Borough Council.
- The application Ref CHI P/2013/0582, dated 30 July 2013, was refused by notice dated 27 September 2013.
- The development proposed is the change of use of domestic garage to dog grooming parlour (in retrospect).

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's Notice of Decision as it provides a more concise and accurate description of the development proposed.
3. The development has already been carried out. As such 'retrospective planning permission' is sought under Section 73A(2)(a).

Main Issue

4. This is the effect of the development on highway safety, with particular reference to visibility at the junction between Green Lane and Halton Road.

Reasons

5. The appeal relates to the change of use of a domestic garage to form a dog grooming parlour. The conversion of the building itself is not a matter in dispute, as the appearance has only been altered by the installation of French doors. The establishment of a rural business such as that proposed is also considered acceptable in principle, subject to the satisfaction of development management criteria, such as that requiring safe and convenient vehicular access.
6. Policy GDP1 d) of the adopted Wrexham Unitary Development Plan (2005) requires all new development to provide safe and convenient access, both on site and in the

nearby locality. In this regard, the Council contend that the nearby junction between Green Lane and Halton Road fails to provide for those visibility distances recommended by Manual for Streets (MfS). As such, the Council consider that the proposed development would be detrimental to highway safety.

7. A significant number of representations have been submitted in support of the proposed development. Many of these representations dismiss the Council's concerns relating to highway safety, although no evidence has been submitted to demonstrate that visibility standards can in fact be achieved. Nevertheless, I was able to confirm at my site visit that visibility at the junction is extremely limited. This is particularly evident on the near side of Halton Road whilst exiting from Green Lane, where visibility is heavily obstructed by a bend in the road and a mature hedgerow associated with the corner property of Greenfields. Whilst undertaking my site visit, I also observed a number of vehicles travelling at relatively high speeds. As such, I consider that any intensification of use at this junction would undermine highway safety.
8. The original planning application stated that no more than six dogs would be groomed at the premises per day. However, evidence supporting the appeal refers to the fact that no more than four dogs would be groomed daily. Nevertheless, it has been confirmed that it is standard practice for clients to drop off their pets and collect them at a later time. As such, each appointment has the potential to generate up to four vehicular movements. The Council has stated that the grooming of six dogs daily would generate a similar volume of vehicular movements to two new dwellings which would not be permissible on highway safety grounds. I acknowledge that the grooming of only four dogs would produce fewer traffic movements. However, it is inevitable that the grooming of four dogs daily would indeed intensify vehicular movements to and from the property.
9. The appellant has offered to operate a collection service in an attempt at reducing the number of vehicular movements along Green Lane. However, whilst this would reduce the numbers of visitors travelling to the appeal site, it would be unlikely to materially reduce the number of daily traffic movements. The appellant has also clarified that some clients bring more than one dog at a time and that some owners walk to use the service. However, whilst such practices may reduce the number of vehicular movements, I do not consider that they would render the number of visitors negligible. Indeed, evidence has been submitted by local residents to suggest that the volume of traffic at Green Lane has increased as a direct result of the dog grooming business.
10. I have given full consideration to the personal circumstances of the appellant, who acts as a carer for a disabled relative. I also acknowledge the appellant's claim that the relocation of the business would result in a need for a carer to visit the property approximately three or four times daily. However, based on the balance of the evidence before me, and given that the exact number of customers at the grooming parlour would be difficult to monitor and control, I am not convinced that the number of trips made by carers would effectively counterbalance those related to the dog grooming business. Moreover, once a business is established, incremental growth would be difficult to resist, to the detriment of highway safety.
11. I appreciate that the junction currently serves a number of dwellings and has previously served commercial enterprises. However, whilst I am not aware of the framework within which such developments were granted planning permission, each case should be assessed on its own particular merits and in accordance with current

policies and standards. In this respect, whilst I would not wish to treat objective visibility standards as determinative, visibility distances achievable at the junction would be significantly below those standards set out in MfS.

12. I acknowledge that there are no records of recent personal injury accidents in the immediate vicinity and appreciate the substantial support for the proposal, including those views expressed through the local petition. I also recognise the contribution the business would make to the rural economy. However, I do not consider such matters to outweigh the highway safety concerns outlined above.
13. I have considered the potential for improving the junction at Halton Road to increase visibility. However, it would appear that the hedgerow is currently in third party ownership. Nevertheless, this is not the scheme before me and is therefore not within my jurisdiction in determining the planning appeal. I also note the appellant's willingness to meet the planning conditions put forward by the council. However such conditions are submitted without prejudice and would not satisfy the concerns outlined above.
14. For these reasons, I conclude that the proposed development would materially increase the number of vehicular movements along Green Lane, to the detriment of highway safety at the junction with Halton Road. Accordingly the development would be in conflict with Policy GDP1 d) of the adopted Wrexham Unitary Development Plan (2005) which requires all new development to ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
15. For these reasons, and having considered all matters raised, including those raised by interested parties, I conclude that the appeal should be dismissed.

Richard E. Jenkins

INSPECTOR