



Penderfyniad ar Apêl

Ymweliad safle a wnaed ar 08/06/11

**gan Emyr Jones BSc(Hons) CEng
MICE MCMI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 16/06/11

Appeal Decision

Site visit made on 08/06/11

**by Emyr Jones BSc(Hons) CEng MICE
MCMI**

an Inspector appointed by the Welsh Ministers

Date: 16/06/11

Appeal Ref: APP/H6955/A/11/2149312

Site address: Rose Cottage, Highfield Road, Highfield, Wrexham LL11 4US

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 Carla Huxley against the decision of Wrexham County Borough Council.
- The application Ref P/2010/1068, dated 14 December 2010, was refused by notice dated 18 February 2011.
- The development proposed is the construction of a new access track/driveway to the property.

Decision

1. The appeal is allowed and planning permission is granted for a new access track/driveway to the property at Rose Cottage, Highfield Road, Highfield, Wrexham in accordance with the terms of the application, Ref P/2010/1068, dated 14 December 2010, and the plans submitted with it, as amended by the revised plan received by the local planning authority on 19 January 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
 - 2) There shall be no gates or other means of enclosure across the access track/driveway within 5 metres of the highway boundary.
 - 3) Prior to their installation, full details of any gates to be erected across the access track/driveway shall be submitted to and approved in writing by the local planning authority. The gates shall be erected in accordance with the approved details and retained in that condition thereafter.
 - 4) Prior to first use of the access track/driveway, it shall be surfaced with materials details of which have previously been submitted to and approved in writing by the local planning authority and thereafter retained as such.
 - 5) No surface water run off from the site shall be permitted to flow onto the adjoining highway and a means of intercepting any such run off shall be constructed prior to the first use of the access track/driveway.
 - 6) Notwithstanding the details shown on the approved documentation, prior to the commencement of development full details of the proposed access position, position of any fences/enclosures, and the required visibility splay on a plan at 1:500 scale shall be submitted to and approved in writing by the local planning

authority. The details as approved shall be fully implemented prior to the first use of the access track/driveway and retained thereafter.

- 7) Prior to first use of the access track/driveway, splays of 2.4 metres by 25 metres in both directions measured to the centreline of the adjoining highway shall be provided at the access. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any obstruction to visibility.
- 8) No development shall commence until a scheme for the planting of trees, hedges and shrubs, including a timetable for its implementation and a 5 year maintenance plan, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within the agreed timescale and maintained in accordance with the approved maintenance plan.
- 9) The planting scheme provided in accordance with the above condition shall be permanently retained. Any planting becoming severely damaged or seriously diseased, or in poor physiological condition and/or removed without the local planning authority's written permission shall be replaced with trees or shrubs and within a timescale all as submitted to and approved in writing by the local planning authority.
- 10) There shall be no lighting of the access track/driveway or the access point off Highfield Road.
- 11) The access track/driveway shall not be used for the parking of vehicles.

Main Issue

2. I consider the main issue in this case to be whether the proposal constitutes inappropriate development within a green barrier and, if so, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very exceptional circumstances necessary to justify the development.

Reasons

3. The site lies in a green barrier designated in the *Wrexham Unitary Development Plan* (UDP). Green barriers are effectively the same as green wedges. *Planning Policy Wales* (PPW) states that other forms of development would be inappropriate development unless they maintain the openness of the green wedge and do not conflict with the purposes of including land within it.
4. Provided it was not used for parking vehicles, the proposal would maintain the openness of the green barrier. It would not contribute towards the coalescence of urban areas and villages with other settlements, or harm the setting of urban areas and villages. Neither would it conflict with the purpose of assisting in urban regeneration by encouraging the recycling of derelict and other urban areas.
5. Access tracks and driveways are found in urban and rural areas alike, with those in rural areas often being fairly long. In this case, the access track/driveway would be contained between hedge boundaries and would effectively only be visible in public views from a short length of Highfield Road. Subject to it being constructed from materials sympathetic to its rural location, the proposal could not in my view be described as an encroachment into the countryside. Whilst it would result in the loss of 8m or so of hedge, which is characteristic of field boundaries along Highfield Road,

this would not be significant and a much longer length of new hedge which would make a positive contribution to the area's character and appearance would be provided.

6. The proposal does not, therefore, conflict with the purposes of including land within the green barrier and I conclude that it does not constitute inappropriate development within a green barrier or conflict with UDP policy EC1. For the reasons given in the preceding paragraph, it would not be harmful to the character and appearance of the surrounding rural area or conflict with UDP policies PS2 and GDP1.
7. The above is in line with Appeal Decision Ref: APP/H6955/A/01/1068139, which also related to a new access and private drive within the green barrier. Nonetheless, it is an accepted planning principle that applications, and appeals, are considered on their individual merits, which is what I have done in this case.
8. The proposal would also provide benefits from a highway safety perspective through providing a much improved and safer means of access to Rose Cottage as compared to the existing shared access, which the Council's Infrastructure and Planning Manager considers to be well below current standards in terms of width and visibility, although that would still be retained for other users.
9. The visibility splays sought by the Council would ensure that the entrance would not create a hazard to traffic travelling along Highfield Road. As noted in the Addendum Committee Report, the submitted plan is of such a scale that it cannot be used to accurately plot the position of the access. A condition requiring a more accurate plan would ensure that these splays could be provided without encroaching onto land in third party ownership. I have no substantive evidence that the proposal would result in material harm to protected species or their habitats and I note that the Council's Ecology Officer does not object to the proposal. As I have identified no conflict with the development plan, no precedent for further development on the adjacent field would be created by allowing the appeal.
10. The Council submitted a list of suggested conditions with reasons. Subject to minor modifications in the interests of clarity and precision, the amalgamation of some conditions in the interests of conciseness, and one specific matter, I am satisfied that these should be imposed for the reasons given.
11. The specific matter is that I have already referred to the need for the access track/driveway to be constructed from materials sympathetic to its rural location. The most expedient way of achieving this would be to replace the Council's suggested condition requiring the first 5 metres to be surfaced with hard bound materials with a condition requiring the Council's prior approval of the materials to be used to surface the entire length. The reason for such a condition being both to ensure an acceptable visual appearance and to prevent deleterious material from being carried onto the highway. I have also previously referred to the need to avoid use of the site for car parking and a further condition to this effect is required in order to maintain the openness of the green barrier.
12. For the reasons given above I conclude that the appeal should be allowed.

E Jones

Inspector