



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 13/09/11
Ymweliad â safle a wnaed ar 13/09/11

gan Gareth A. Rennie BSc (Hons) DipTP
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 07/11/11

Appeal Decision

Hearing held on 13/09/11
Site visit made on 13/09/11

by Gareth A. Rennie BSc (Hons) DipTP
an Inspector appointed by the Welsh Ministers
Date: 07/11/11

Appeal Ref: APP/H6955/A/11/2150207

Site address: Hafod Tileries, Hafod, Ruabon, Wrexham, LL14 6ET

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 Eco-Readymix against the decision of Wrexham County Borough Council.
 - The application Ref ESC P/2010/0902 dated 28 October 2010, was refused by notice dated 6 December 2010.
 - The development proposed is the change of use from stocking area associated with Dennis of Ruabon Tilery to a mortar and concrete batching plant.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Wrexham County Borough Council against Eco-Readymix. This application is the subject of a separate Decision.

Procedural Matter

3. I note that the development in this case has been completed and I have proceeded on that basis.

Main Issue

4. The main issue in this case is the effect of the proposal on policies designed to control the provision of industrial land.

Reasons

5. Policy PS1 of the Wrexham Unitary Development Plan (UDP) says that new development for employment will be directed to within defined settlement limits/employment areas. The UDP identifies land sufficient to meet future new employment requirements which comprises land with planning permission and specific land allocations. It also says that unallocated land within settlements will be permitted subject to certain criteria.
6. In this case the site is Previously Developed Land (PDL) which was granted permission for use as a stocking area in 1966 in association with the use of the adjacent Dennis Ruabon site as a brickworks and tilery. It lies outside of any settlement boundaries

between the former Dennis Ruabon site and an area of mixed industrial use including a recycling site.

7. The 1976 permission permitted the surfacing of the site and its use as a stocking area for materials that, at that point, were originating from the adjacent works. The description of the development and conditions to that permission make it clear that it was for the storage of materials originating from the adjacent works. Those works are no longer operating and I consider that the terms of the 1976 permission mean that the 1976 permission conferred no employment status to the land in its own right and cannot be operated in isolation from the adjacent works.
8. A further permission was granted in 2006 extended this area but has to be seen within the context of the 1976 permission and by extension of that, the use of the adjacent site. I do not consider that either permission could be implemented in their own right and therefore has little bearing on the status of the appeal site as permitted employment land.
9. Consequently, whilst the site is PDL and has strong associations with adjacent employment land it cannot be considered to have an established employment use. It does not form part of the allocation of employment land within the UDP and is therefore subject to the terms of Policy PS1. The appeal site might have employment potential as part of the use of larger site within specific terms as evidenced by the 1976 permission but does not represent permitted or allocated employment land in its own right.
10. The existing employment and adjacent to the appeal site could be brought into employment use, and the appeal site is located in an accessible site on PDL that would seem to accord with policies designed to encourage the sustainable use of land within the UDP and with national guidance within Planning Policy Wales. Nevertheless it does represent a new employment use outside of settlement boundaries and recognised employment land which is contrary to policy PS1.
11. This policy is a strategic policy within the UDP and I do not consider that there is any paradox or contradiction between it and other policies promoting sustainable use of land or to promote employment within the County. The sustainable nature of the process is admirable as is the employment record and growing nature of the business. Nonetheless, there is little evidence that it could not be accommodated on another allocated site within the UDP, or that sites with equal access to the road network are not available. Whilst the appellants have produced evidence of a search for other sites, it is limited in range and timescale and does not represent an exhaustive or particularly detailed attempt to secure other sites.
12. Reference has been made to a previous appeal decision for this development (ref: APP/H6955/C/09/2104074) but despite the appellant's assertion that there were a number of matters and evidence that had not been put before that inspector I see nothing in the evidence in this case that would cause me to reach a divergent view.
13. Overall the development undermines the strategic role of PS1 and the UDP and the directed uptake of underused permitted employment site by utilising a site which is not allocated within the plan. I also consider that despite the sustainability credentials of the development it remains fundamentally a process that is entirely dependant on the road network. An alternative site within nearby settlement boundaries could reduce that dependency and there is little evidence to the contrary.

14. Consequently for the reasons given above and having considered all other matters raised I conclude that the appeal should be dismissed.

Gareth A. Rennie

Inspector

APPEARANCES

FOR THE APPELLANT:

Richard Lomas	Appellant's Agent
Marc Hourigan	Appellant's Agent
Guy Williams	Counsel
Gary Billington	Appellant
Matt Jones	Eco Readymix

FOR THE LOCAL PLANNING AUTHORITY:

Mathew Phillips	Planning Officer
Simon Greenland	Planning Officer

DOCUMENTS

- 1 Letter of notification
- 2 Extract from Wrexham UDP
- 3 Summary of appellants' case

PLANS

- A Bundle of application plans