



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 08/08/11

Site visit made on 08/08/11

gan Clive Nield BSc (Hons) CEng MICE
MCIWEM C.WEM

by Clive Nield BSc (Hons) CEng MICE
MCIWEM C.WEM

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 22/08/11

Date: 22/08/11

Appeal Ref: APP/H6955/A/11/2152422

Site address: Land to the rear of Lynwood, Park Street, Johnstown, Wrexham, LL14 2AL

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 outline planning permission.
- The appeal is made by Mr Paul Bell against the decision of Wrexham County Borough Council.
- The application Ref P/2010/0651, dated 21 July 2010, was refused by notice dated 6 December 2010.
- The development proposed is the demolition of existing outbuildings and the erection of 3 No. 2 storey dwellings with car parking spaces.

Decision

1. The appeal is dismissed.

Procedural and Background Matters

2. The appeal site is an area of land at the rear of houses on all four sides. It contains a number of small buildings and its current use is as workshops for the sale, repair and servicing of lawn mowers and other small garden machinery. Mr Bell runs a small machinery repair business from the site.
3. In May 2004 outline planning permission was granted for a similar proposal but that permission has lapsed. The Council does not dispute the principle of the proposed development and refused it solely on grounds that insufficient information had been provided to enable it to assess the ecological impact, which could be significant due to the close proximity of the land to a European Protected Site.

Main Issue

4. The main issue in this case is whether or not the proposed development would be likely to have an unacceptable ecological impact, particularly in respect of protected species and sites.

Reasons

5. The site is just 60 metres away from the combined areas of the Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI) and the Johnstown Newt Sites Special Area of Conservation (SAC). These support a nationally important population of Great Crested Newts and an assemblage of amphibian species. Newts and other species are known to

frequent land outside such sites, and it is likely they use the appeal site as part of their route to the area of overgrown grassland immediately to the east, which may offer habitat suitable for newts.

6. There is a statutory duty to safeguard nationally important species and habitats, and it is Government policy that a precautionary approach be taken to such matters. I am aware that Mr Bell has made enquiries about securing a Great Crested Newts survey but has been advised that it is the wrong time of year. Nevertheless, the absence of an expert survey and assessment leads me to the conclusion that permission should not be granted at this time.
7. I have considered the possibility of granting outline permission subject to a condition that a survey and assessment be carried out. However, measures to avoid an unacceptable impact on the species may require the provision of a dedicated corridor of land, which may not be feasible for the scheme as currently proposed. It would not be appropriate to grant permission for a scheme that it may not be possible to build.
8. Local residents and their representatives have also raised several concerns, particularly about possible impacts on privacy and highway safety. The Council is of the view that these matters could be adequately managed, and no evidence has been put forward to cause me to disagree.
9. I have taken into account these and all other matters raised but nothing outweighs the considerations that have led me to my main conclusions that the proposed development has the potential to unacceptably affect important protected species and habitats. In the absence of information to adequately assess the risks, it is appropriate to adopt a precautionary approach. For these reasons I conclude that the appeal should be dismissed.

Clive Nield

Inspector