



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/04/11

**gan R G Gardener BSc(TownPlan)
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 06/05/11

Appeal Decision

Site visit made on 19/04/11

by R G Gardener BSc(TownPlan) MRTPI

an Inspector appointed by the Welsh Ministers

Date: 06/05/11

Appeal Ref: APP/H6955/A/11/2146713

Site address: Land north of Ridgeway lodge, Chirk Green, Chirk LL14 5NR

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 P Williams against the decision of Wrexham County Borough Council.
 - The application Ref CHI P/2010/0589, dated 12/07/10, was refused by notice dated 26/08/2010.
 - The development proposed is the erection of a dwelling and garage on part site of former social club.
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Decision

1. I dismiss the appeal.

Main Issue

2. This is the effect of the proposal on the character and appearance of the area, having particular regard to those planning policies which seek to restrict unnecessary development in the countryside.

Reasons

3. The appeal site is part of the grounds of the former Ridgeway Social Club, later used as a crèche and nursery but with its beginnings associated with the mining which was once prevalent here. While the residential areas of Chirk Green are a short distance away, the surrounding area is overwhelmingly open and undeveloped. It seems that much is reclaimed land, sites of former miner's housing, laid out as far as I could see as informal public open space with footpaths running through it.
4. Outline planning permission was granted on appeal in 1993¹ for 2 bungalows on part of the, then, enclosed compound of the social club. These were erected and now, with a bungalow which, I believe, was part of the social club, flank the site on its eastern side. Outline planning permission was refused for the erection of 5 dwellings on the remainder of the social club land, including the appeal site, and a subsequent appeal was dismissed in 2003². Even so, the Inspector indicated that if development was to

¹ Ref: APP 14-12

² Ref: APP/H6955/A/03/1115661

take place it should be limited to the footprint of the club building. This reflected the advice given then in Planning Policy Wales³ concerning the development of previously developed, or brownfield, land. The eventual outcome was that the Council granted planning permission for 2 houses generally where the club building was positioned. These houses are also in place, or very near to completion, and flank the appeal site on its southern boundary. The site is roughly triangular in shape and Chirk Green Road forms the remaining, north-western boundary. It seems that it was once the car park to the social club.

5. This sequence of developments has resulted in a small group of 5 dwellings close to but clearly separated from the main built area of Chirk Green and outside the currently defined settlement limit for purposes of the adopted Wrexham Unitary Development Plan⁴ (WUDP). The appellant suggests that this is not countryside as normally understood but, while it is clearly not farmed, it is nevertheless open and part of the rural setting at the periphery of and outside the settlement both as defined and in reality.
6. In such locations WUDP Policy H5 states that new dwellings will only be permitted where certain circumstances arise, none of which apply to this case. While the proposal would sit in the open angle between the 2 existing rows of dwellings, it would not be infill development in a well developed built frontage as the policy allows for. The appellant does not claim otherwise. Rather it would consolidate what is already an isolated enclave of dwellings divorced from and unrelated to the built-up area. The plan explains that the policy is designed to prevent new housing in the form of, for instance, the consolidation of sporadic groups such as this and consequently the proposal conflicts directly with this intention.
7. I recognise that the intention of Policy H5 to avoid adverse affects for agriculture does not apply here. However, the policy has also been designed to prevent the loss of visual quality and landscape character. Similarly, unlike the WUDP's concerns to prevent consolidation, the current Edition of PPW⁵ continues to recognise that minor extensions to isolated groups of dwellings may be acceptable but recognises that much depends on the character of the surroundings and the pattern of development. In this instance, the existing dwellings in the group are generally set back from the road behind the appeal site which helps to maintain an important element of openness complementing the surrounding area. In that regard I note that the Inspector in 2003 felt that, beyond the footprint of the club building, the remainder of the site should be *"... devoted to landscaping compatible with the surrounding countryside and softening the visual impact of the built development."* Whether intentional or not, the site has had that effect. Its significance is increased since it seems that the 2 houses permitted by the Council following that appeal decision not only occupy more than the footprint of the club building but are also larger and consequently have a greater visual impact than may have been anticipated by the Inspector at that time. Even so, that does not suggest, as the appellant infers, that the manner in which the Council's policies should be applied here should not be changed.

³ March 2002

⁴ Wrexham Unitary Development Plan 1996-2011 adopted 14/02/2005

⁵ Planning Policy Wales Edition 4 January 2011

8. Nor am I persuaded that the site should now be treated as brownfield land. It is clearly the case that historically the site was curtilage land to the club and within the definition given in PPW. However, from what I could see the site has blended into the landscape and may fall outside the definition. Even if that was not so, PPW explains that not all such land is necessarily suitable for development, a principle applied by the Inspector in 2003 and which I consider equally pertinent now as I have explained. My view is that the site functions significantly by maintaining an appropriate open setting for the development which has already been permitted. The additional development proposed would consolidate the existing small group and so increase its intrusive impact on the rural character of the area and is unacceptable.
9. In coming to this conclusion I have noted the concerns of local residents that, should planning permission be granted for one dwelling, proposals for more would follow. However, even had my conclusions been otherwise any application for further development would need to be considered on its own merits. It seems that there are outstanding issues over the right to use the existing drives to serve the scheme but they are private matters which may have affected the ability to carry out the development but not my consideration of it. I am also satisfied that the proposal need not unduly affect the living conditions of those who live nearby or create an unsatisfactory level of amenity for its future occupants.
10. I have considered all other matters raised but none outweigh those which lead me to conclude that the appeal should fail.

RG Gardener

Inspector