



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 28/02/11

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17/03/11

Appeal Decision

Site visit made on 28/02/11

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 17/03/11

Appeal Ref: APP/H6955/A/10/2141069

Site address: Ty Newydd, School Lane, Bronington, Whitchurch SY13 3HN

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 Andrew Theobald against the decision of Wrexham County Borough Council.
 - The application Ref BRN P/2010/0656, dated 9 May 2010, was refused by notice dated 8 September 2010.
 - The development proposed is "to operate 2 vehicles on a PHV licence from my home property".
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Decision

1. I dismiss the appeal.

Main Issues

2. These are the effect of the proposal on the highway safety, and the effect of the proposal on the living conditions of residents nearby in relation to noise and disturbance.

Reasons

Highway safety

3. The appeal property is a detached dwelling with a linked single garage on the north side of School Lane. There is a drive on one side and the front garden has been surfaced with stones providing additional parking and, or turning area. There is a raised circular planting area on the stone drive roughly in front of the main door. A low brick wall fronts onto the carriageway and a wide vehicular access. Despite this wide entrance, fences and hedges of the two adjoining properties restrict visibility from the site entrance.
4. The Appellant maintains that there would be a negligible, if any increase in traffic movements from the site, as one private hire vehicle (PHV) would double-up as a personal vehicle, and another vehicle would be parked in the garage. The nature of the use would entail low traffic movements as one vehicle would be away on touring duties associated with the touring company. Should the business need arise the second PHV would be purchased. The Appellant maintains that the nature of the use differs from that of a taxi or private hire vehicle use since the vehicle would be on tour for long periods and there would be no calling customers or pick-ups from the appeal property.

5. However, whilst the number of vehicles associated with the proposed use could be controlled the number of domestic vehicles owned could vary according to the owner/operator of the site. Although I note the Appellant's intentions in this case, planning permission is sought for a use of land and the activity associated with it may vary according to the individual circumstances of the relevant owner/occupier of the business. The planning considerations must therefore be on the land use consequences of the proposal which runs with the land and not the individual factors of this business. Since business interests can be sold on, a different owner may run an entirely different operation and still be within the ambit of the planning permission.
6. In my view, despite the Appellant's point on traffic movements a generic proposal of this nature would materially increase the flow of traffic from the site, because there would be more vehicles parked there over and above the number of vehicles associated with a domestic use. The turning space is also confined providing less than adequate turning radius for a vehicle, due to the location of the raised planting area.
7. I am therefore not persuaded that vehicles would undertake this restricted reversing manoeuvre and instead back-out onto the road. Moreover, I concur with the Council's Highway Officer assessment that visibility is restricted to some 9m to the east and 20m to the west. I also have no reason to dispute the traffic speed information provided which indicates that a sight stopping distance of some 43m to the east and 33m to the west is necessary as set out in Manual for Streets (MfS) and its companion guide MfS 2. The proposed increase in traffic movements as I have outlined above associated with this use of land would be harmful to highway safety, as the access is significantly restricted in visibility and is below standards that have been configured more realistically to reflect shorter stopping distances of modern vehicles.
8. I have considered the possibility of a temporary planning permission, the letters in support of the proposal and the individual circumstances of this case, but none outweigh the harm that would be caused to highway safety. I therefore consider the proposal would conflict with policy GDP1 (d) of the Wrexham Unitary Development Plan (UDP).
9. I conclude that the proposal would harm highway safety.

Living conditions

10. The Council indicate that the proposal could cause noise and disturbance with vehicles moving on or off the site early in the morning, and there might be a need to maintain vehicles on the site. I do not consider that the impact of vehicle movements associated with the proposal would be discernable over and above that of a domestic use. Routine maintenance of business vehicles would not necessarily involve disturbing or noisy activity, any more so than with the maintenance of domestic vehicles. These matters can be appropriately controlled by planning conditions.
11. In the absence of compelling evidence to the contrary, I am not persuaded that the proposal would harm the living conditions of residents nearby in relation to noise and disturbance. I therefore find the proposal would comply with UDP policy GDP1 (f) in so far as this relates to living conditions.

Conclusions

12. Notwithstanding my favourable conclusion for the Appellant on living conditions this factor does not outweigh my concern on highway safety, as this issue alone is compelling grounds for dismissing this appeal.

13. I have considered all other matters raised, including the letters in support of the proposal but none outweigh my conclusions on the main issues that this appeal should be dismissed.

Iwan Lloyd

INSPECTOR