



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 8/03/11

**gan Mr A Thickett BA(Hons) BTP
MRTPI DipRSA**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 31/03/11

Appeal Decision

Site visit made on 8/03/11

**by Mr A Thickett BA(Hons) BTP MRTPI
DipRSA**

an Inspector appointed by the Welsh Ministers

Date: 31/03/11

Appeal Ref: APP/H6955/A/11/2144875

Site address: Kiln Inn, Kiln Lane, Cross Lanes, Wrexham, LL13 0TG

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 grant of planning permission subject to conditions.
- The appeal is made by Mr S Cubley against the decision of Wrexham County Borough Council.
- The application Ref P/2010/0761, dated 3 September 2010, was approved on 28 October 2010 and planning permission was granted subject to conditions.
- The development permitted is the change of use of adjacent vacant land to ménage, erection of stables, new double garage, boundary walls and amendments to scheme to convert public house to dwelling (previously approved under code No. P/2004/1631).
- The condition in dispute is No. 8 which states that:
A native species hedgerow shall be planted along the full length of northern boundary of the site between the proposed boundary wall and the north-west corner of the site as well as the full length of the rear boundary. Full details of the location and planting specification of the hedgerow shall be submitted with the landscaping scheme required by condition 07 and the scheme implemented in accordance with the timescale required by that condition in respect of soft landscaping.
- The reason given for the condition is:
To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to ensure the provision of habitat for protected species.

Decision

1. I allow the appeal, and vary planning permission Ref P/2010/0761 for the change of use of adjacent vacant land to ménage, erection of stables, new double garage, boundary walls and amendments to scheme to convert public house to dwelling (previously approved under code No. P/2004/1631) at Kiln Inn, Kiln Lane, Cross Lanes, Wrexham, LL13 0TG granted on 28 October 2010 by Wrexham County Borough Council, deleting conditions 7 and 8 and substituting them for the following conditions:
 - 7) Within 3 months of the date of this decision a scheme of hard and soft landscaping shall be submitted in writing to the local planning authority. The approved soft landscaping shall be carried out in the first planting and seeding seasons following the approval of the details or the completion of the ménage whichever is the later. The hard landscaping works shall be completed before the ménage hereby permitted is brought into use.
 - 8) Within 3 months of the date of this decision details of a hedgerow to be planted along the northern boundary of the site between the boundary wall to the front of the dwelling and the north-west corner of the site shall be submitted in writing to

the local planning authority. The approved planting scheme shall be carried out in the first planting season following the approval of the details or the completion of the ménage whichever is the later.

Procedural Matters

2. The appellant failed to attend the site visit. The Council's representative agreed that I could carry out an unaccompanied site visit. The appellant has been informed and has not objected to the inspection being carried out on an unaccompanied basis.

Main Issue

3. The main issue is the impact of the removal of condition 8 of planning permission P/2010/0761 on protected species and the character and appearance of the area.

Reasons

4. The appellant's dispute with the Council lies with the requirement to plant a hedge on the rear boundary of the site and to the front of the dwelling (the front garden is enclosed by a brick wall). The ordnance survey plan shows that the site of the stables and ménage was once occupied by buildings. This is corroborated by the supporting Design and Access Statement which states that the stables and ménage are to be built '*on the former barns which collapsed last year*'. The stables have been erected but the ménage has not been constructed.
5. Given that it would appear that this site has been developed for some time, I do not see how the works carried out and proposed by the appellant would rob great crested newts of habitat. Further, keeping horses is common in the countryside and could occur if this development did not proceed. The area is characterised by fields of different shapes and sizes bounded in the main by hedges. There are, therefore, plenty of links and corridors for wildlife and although I acknowledge that a hedge may be desirable, I do not consider it to be necessary.
6. The existing boundary is marked by a post and rail fence, a rural feature which sits comfortably in this landscape. A hedge would soften views of the ménage but such features are part of rural life. I do not consider that it would appear harmful and see no need to require a hedge on this boundary.
7. According to the appellant the wall to the front of the house was required by planning permissions granted in 2005 and 2007. Reading condition 8, I'm not sure that the Council meant for a hedge to replace the wall but I consider that the condition lacks precision in this respect. Further the wall is in keeping with the house and I see no need to replace it with a hedge.

Other matter

8. Condition 7 requires the submission of landscaping details (including the hedges in condition 8) within 3 months of the commencement of the works to construct the stables and ménage but links implementation of the approved planting details to the occupation of Kiln Inn. It would, therefore, be possible to comply with the first part the condition but to immediately be in breach of condition 7a and b (particularly as it appeared at the site visit that the house is occupied). Further, the stables are in place. Neither appellant nor the Council object to the replacement of condition 7 as set out above and I will vary the permission accordingly.

Conclusion

9. For the reasons given above and having regard to all matters raised, I find that the removal of the requirement to plant a hedge on the rear boundary of the site and the full length of the northern boundary would not have an adverse impact on protected species or the character and appearance of the area. I do not consider that removing this requirement would conflict with Policies PS2, GDP1, EC5 and EC6 of the Wrexham Unitary Development Plan 1996-2011, adopted 2005. Consequently, I conclude that the appeal should succeed and will vary planning permission P/2010/0761 by deleting conditions 7 and 8 and substituting them by others.

Anthony Thickett

Inspector