

Planning Appeal by Mrs A Lucas

Your reference APP/H6955/A/10/2141660/WF

Site at The Lodge, Glascoed Road, Bwlchgwyn, Wrexham, LL11 5YG

Response to Statements made by third parties relating to the above site.

Statement s made by: Mr P.J. Pughe
 Mrs E A Pughe
 Ms M Jones
 Dawn McGowan
 Mr M Kitt
 Mr D Macfarlane

A general concern of the majority of the third parties is one of design and that at some time in the future the cattery might be turned into a bungalow. The design issue has already been found acceptable by the Planning Department therefore no comments will be made in respect of this.

The issue is of the building becoming a bungalow at some time in the future is clearly covered by the existing Planning legislation.

Before any change of use from the Cattery to a bungalow could be considered a Planning Application for a change of use would have to be made.

Such an application would then be considered by the Planning Department and the Planning Committee and if the resistance to the present Cattery is indicative of the general feeling towards development in the area then it is quite likely that such a request would be refused. Thus the building could not be used as a bungalow.

However the above observations are generally not the reason for the appeal.

The Appellant wishes to create a business of a Cattery. Planning Permission was previously granted to the Appellant despite the slight confusion over the actual name on the application, and the previously Approved Permission did not contain an onerous clause similar to clause 8 now introduced

The Appellant wished to change the design of the Cattery so an application was made and subsequently granted but with Condition 8 included which is the grounds of the Appeal.

Condition 8 states:

8. The building hereby approved shall be used as a Cattery only, as described within the application documentation, and for no other purpose. Should this use of the building cease, the building together with any associated hard standing or slab upon which it stands shall be completely removed and the land restored to its previous condition not later than one month after the uses ceases.

This is a clear statement, and there appears to be no escape from it.

In present times, where sustainability is a major consideration, it is unreasonable to expect a business to spend the large amount of money to build the Cattery when potentially the sword of Damocles is hanging over its head requiring it to demolish the building if business should cease for one month.

Businesses may have to cease trading for periods of over a month for many reasons, sometimes reasons beyond their control.

This should not mean that, once possible problems have been resolved, which could take over one month, the business should be penalised by having to start completely again having had the original building demolished.

In view of the above comments we would request that the Appeal finds in favour of the Appellant.

Design Planning Developments
49 Rodney Street Liverpool L1 9EW

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