



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 02/03/10

Appeal Decision

Site visit made on 02/03/10

gan/by Bill Barnes LLM LMRTPI

**Arolygydd a benodir gan
Weinidogion Cymru**

**an Inspector appointed by
the Welsh Ministers**

Dyddiad/Date 09/03/10

Appeal Ref: APP/H6955/A/09/2117122/WF

Site address: Land to rear of Suncrest, Halcog, Brymbo, Wrexham LL11 5DQ

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 Kenneth and Mrs Susan Lynda Mathews ["the Appellants"] against the decision of Wrexham County Borough Council ["the Council"].
- The application, Reference BRO P/2009/0709, received 20 August 2009, was refused by notice dated 16 October 2009.
- The development proposed is the incorporation of agricultural land into residential curtilage (partially in retrospect).

Decision

1. I dismiss the appeal.

Reasons

2. I find, from my inspection of the site and its surroundings and all the representations made, that the main issues are the impact of the proposal, when fully implemented, first upon the character and appearance of the area and secondly, upon the amenities of neighbouring residents.
3. The Appellants' detached dwelling, Suncrest, is at the south end of a row of dwellings at Halcog on the north-east edge of the settlement of Brymbo. It is proposed to extend Suncrest's original garden by incorporating the site, which is a basically rectangular strip, of some 5.2m by the garden's 36.6m length, which formed part of the adjoining agricultural field. A leylandii hedge along the original garden's boundary with the site has been cut down and replaced with rustic fencing using the remaining tree trunks. The site does not extend beyond the rear garden of the adjoining dwelling, Molverley, but rises to the south up to a lane that serves a nearby farm and is a public right of way. The Appellants intend using the extended garden area for growing vegetables in raised beds and as a small amenity area. The site is not currently being used, but it is partly enclosed by post and chain link/barbed wire fence. I have treated the enclosure of the land, in so far as it relates to the carrying out of this part of the proposal, as having been made in accordance with section 73A of the amended Act.

4. On the second issue, provided the use of the site is strictly confined to the purposes proposed, I do not consider that this additional residential curtilage, notwithstanding its rising topography, would be likely to cause any significant harm to the amenities of neighbouring residents. On the first issue, the field of which the site formed part is within an area of open countryside that is included as a Green Barrier area in the adopted Wrexham UDP and subject therefore to the strict development control of its Policy EC1. It would appear that some agricultural land further to the north was some 40 years ago incorporated into an enlarged residential curtilage. However, between this curtilage and the lane the lawful residential gardens have a distinct north-east boundary that clearly defines the settlement limit. The proposed extension of Suncrest's garden would be an unacceptable encroachment into this Green Barrier area of open countryside and be harmful to its rural character and appearance. The proposal is not the type of garden extension that the Council's adopted local planning guidance note for such development recognises may be acceptable. Moreover, if this proposal were to be allowed it would be difficult to resist similar applications to extend neighbouring gardens resulting in further encroachment.
5. I have noted the representations made by nearby residents. I have also had regard to all the other matters raised, but none of these factors are sufficient to outweigh the above considerations that have led to my conclusion that the appeal should not succeed.

T W B Barnes

Inspector