

The Planning Inspectorate

PLANNING APPEAL FORM WALES (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/H6955/A/21/3273443

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes ☒ No ☐

Name

Company/Group Name

Your reference

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

LPA reference number

Date of the application

Did the LPA issue a decision? Yes ☒ No ☐

Date of LPA's decision

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes ☐ No ☒

Does the appeal relate to an existing property? Yes ☐ No ☒

Address

Is the appeal site within a Green Belt?	Yes	☐ No	☒
Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?	Yes	☐ No	☒

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?	Yes	☐ No	☒
--	-----	-----------------------------	-------------------------------------

Please enter details of the proposed development. This should normally be taken from the planning application form.

Demolition of existing garage. Construction of 4 bedroom detached dwelling and associated parking and access.

Area (in hectares) of the whole appeal site [e.g. 1234.56]	0.0325 hectare(s)
--	-------------------

Area of floor space of proposed development (in square metres)	130 sq metre(s)
--	-----------------

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

- | | |
|--|-------------------------------------|
| 1. Refused planning permission. | ☒ |
| 2. Granted planning permission for the development subject to the conditions to which you object. | ☐ |
| 3. Refused approval of the matters reserved under an outline planning permission. | ☐ |
| 4. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object. | ☐ |
| 5. Refused to approve any matters required by a condition on a previous planning permission. | ☐ |
| 6. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. | ☐ |

G. PREFERRED PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations	☒
----------------------------	-------------------------------------

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?	Yes	☒ No	☐
--	-----	--	--------------------------

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?	Yes	☐ No	☒
--	-----	-----------------------------	-------------------------------------

2. Hearing	☐
------------	--------------------------

3. Inquiry	☐
------------	--------------------------

H. GROUNDS OF APPEAL

The grounds are set out in

☒ the box below

The application was refused for the following highway related reasons

- There is insufficient space within the site for vehicles to turn prior to exiting onto the highway. This will give rise to safety problems on the adjoining highway and therefore the development conflicts with policies GDP1d and T8 of the Wrexham Unitary Development Plan.
- Due to restricted visibility in the north-easterly direction the development will not be provided with a safe and satisfactory vehicular access and therefore conflicts with policy GDP1(d) of the Wrexham Unitary Development Plan.

Firstly I would respectfully point out that the restricted visibility is in fact in a north westerly direction not to the north east as described in the refusal notice.

It is considered that the issues raised above were adequately dealt with within the highway assessment submitted with the original application; but to reaffirm these briefly:

The highway assessment demonstrated that the site currently has potential to park up to 4 vehicles off road at any one time and that each of those vehicles would have to reverse through the access due to limited on site turning facility. The garage has most recently been used for storage and a photograph was included to prove previous usage of the site. In its current use the garage could potentially generate a significant number of traffic movements every day.

The highways department has no control over how many vehicles currently park on this site and therefore no control over current vehicular movements using the existing access.

A standard size dwelling in a highly sustainable location is likely to generate no more than 6 to 8 vehicular movements per day on average. This equates to just 3 to 4 movements exiting the site.

When responding to a preliminary enquiry the highway officer said he had concerns about any significant increase of traffic through the access. If the site were vacant then that figure would amount to a maximum 4 additional outward vehicular movements per day. However, the site has a single garage on it, which could potentially generate an equivalent or quite possibly more traffic than the proposed dwelling.

In supporting the use of the site as a single dwelling, the highway department could secure improvements to the highway by reducing the potential for traffic movements at the site; it could also secure the access width improvements from 2.8m to 3.2m as mentioned by the highway authority in their preliminary response. Planning conditions could also ensure that the access was hard surfaced for 5m behind the highway and that no gates were erected within 5m of the highway. Further improvements could also be established by ensuring that any surface water run off was intercepted by an ACO type drain.

Despite the perceived highway issues caused by the reported shortfall in visibility at both the application site there is no reported injury accident record in the vicinity of the site. A study of Crashmap revealed that despite the lack of turning and substandard visibility there are no personal injury accidents within 50m of the site in the last 10 years. From this we can only conclude that the road and indeed the access is inherently safe despite perceived highway issues.

To conclude:

Reasons for refusal :

- There is insufficient space within the site for vehicles to turn prior to exiting onto the highway. This will give rise to safety problems on the adjoining highway and therefore the development conflicts with policies GDP1d and T8 of the Wrexham Unitary Development Plan.
- Due to restricted visibility in the north-easterly direction the development will not be provided with a safe and satisfactory vehicular access and therefore conflicts with policy GDP1(d) of the Wrexham Unitary Development Plan.

Traffic generation from the potential use of the existing site is likely to be more than that of the proposed dwelling so there is no likelihood of increased movement at the site. As there will be an equivalent or possibly even fewer reversing movements then there is no justifiable reason to refuse the application on the grounds of inadequate turning facility

Although there is a shortfall in visibility in one direction, the traffic generation is no more onerous than the potential generation from the existing site usage and this means that there is no justifiable reason to object on these grounds.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes

☐ No



I. COSTS

Do you intend to submit a costs application with this appeal?

Yes

☐ No



Details of the costs application are set out in

☐ the box below

J. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;



CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:



CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.



J. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.



(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.



(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.



K. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA.



02. A copy of the site ownership certificate and ownership details submitted to the LPA at application stage (this is usually part of the LPA's planning application form).



03. A copy of the LPA's decision notice (if issued).



04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show



two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.

05. A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given to those sent to the LPA.



06. A list (stating drawing numbers) and copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g drawings for illustrative purposes).



07. A copy of the design and access statement.



08. Additional plans or drawings relating to the application but not previously seen by the LPA.



09. Any relevant correspondence with the LPA.



10. (a) If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, enclose the relevant outline application.



10. (b) If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, enclose all plans sent at outline application stage.



10. (c) If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, enclose the original outline planning permission.



11. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.



12. If the appeal is against the LPA's failure to decide an application, please supply a copy of the letter registering your application.



13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).



L. ADDITIONAL INFORMATION

Is flooding an issue?

Yes ☐ No



Does the development affect the setting of a listed building?

Yes ☐ No



Is the appeal site within an Area of Outstanding Natural Beauty (AONB)?

Yes ☐ No



Does the site lie within a Conservation Area?

Yes ☐ No



Does the site lie within green wedge?

Yes ☐ No



M. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes ☐ No



N. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form, personal details form and any supporting documents not previously sent as part of the application to the LPA. If you do not send them a copy of these forms and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal and personal details form

- locating your local planning authority's email address:

<http://gov.wales/topics/planning/appeals/make-an-appeal/sending-a-copy-to-the-council/?lang=en>

- attaching the saved forms including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your forms, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

O. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application form sent to the LPA.
File name:	Application Form.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02. A copy of the site ownership certificate and ownership details submitted to the LPA at application stage (this is usually part of the LPA's planning application form).
File name:	Application Form.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued).
File name:	2020 0638.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	1681 - Site Location Plan-01- Site plan.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
File name:	Drawing Issue Sheet - Sheet 1.pdf
File name:	1681-As proposed-03-Proposed Floor Plans.pdf
File name:	1681-As proposed-04-Proposed Elevations.pdf
File name:	1681 - Site Location Plan-01- Site plan.pdf
File name:	1681 - Site Location Plan-02- block plan.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement.
File name:	Land adj to the Police Station Coedpoeth (1).pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	09. Any relevant correspondence with the LPA.
File name:	Planning Email.pdf
File name:	PRE 2020 026.pdf
Completed by	MR CARL HUGHES
Date	20/04/2021 14:21:16