

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/20/3262100

A. APPELLANT DETAILS

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

Name

Mr Robert Loughlin

B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes



No



Name

Mr David Selvey

Company/Group Name

DMS Architectural and Surveying Services

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Wrexham County Borough Council

LPA reference number

P/2020/0235

Date of the application

06/04/2020

Did the LPA issue a decision?

Yes



No



Date of LPA's decision

09/10/2020

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes



No



Address

Glenmore Cottage Higher Penley
Penley
WREXHAM
LL13 0NB

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.

Extension of existing dwelling to form additional 3 bedroom dwelling, conversion of disused garage to form single 2 bedroom dwelling and conversion of stables complex to form 2 No. 3 bedroom and 1 No. 4 bedroom units with associated parking and turning.

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

0.61 hectare(s)

Area of floor space of proposed development (in square metres)

412 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



Please explain.

The northern aspect is partially visible from the main road, the eastern and southern aspects are visible from public footpath PEN24 but the western aspect is only fully visible from the site itself or adjacent field which is not public land.

2. Hearing ☐

3. Inquiry ☐

H. GROUNDS OF APPEAL

The grounds are set out in

☒ the box below

STATEMENT:

The proposed work to the existing disused garage, in order to bring it back in to use, has involved using the existing openings with new openings kept to a minimum and the use of materials to match existing where renewal or replacement is necessary, as per guidance given in Local Planning Guidance Note 3. The existing garage structure is sound and does not need any re-building and conforms to the requirements of the Unitary Development Plan policy H3.

Guidance Note 3 refers to Local Planning Guidance Note 13 paragraph e) House Extensions with regards to small extensions. The proposed extension to the garage is what we believe the minimum required to provide basic amenities to meet modern standards and is slightly over the one third floor area guide line given in the Guidance Note but no objection to this has been communicated by the Planning Officer. More than adequate open space has been allowed in the former paddock area to the front (north) of the unit.

Parking has been provided in accordance with standards outlined in Local Planning Guidance Note 16 Parking Standards.

The proposed work to sub-divide the disused annexe to the main property comprising three rooms and external staircase to first floor, involves roofing over the first floor access staircase, reversing this stair access and provision of small rear extension to provide kitchen at ground floor level with bathroom and small bedroom above. Adequate south facing open space has been allowed to the rear. These proposals are in line with policy section 6.10 and H3 of the Unitary Development Plan.

Parking has been provided in accordance with standards outlined in Local Planning Guidance Note 16 Parking Standards.

The proposed barn conversion work to the existing stable block involves the use of the existing structure with no added extensions. Natural light to the single storey wings of the stables block has been achieved using a combination of roof lights and clerestory glazing thus avoiding the need to form new openings in the structure. New openings have been proposed in the two storey wing of the stables block but only at ground floor level to the rear of the structure facing a dense boundary hedge with open fields beyond. No objection to this has been communicated by the Planning Officer and the proposals are in line with guidance given in Local Planning Guidance Note 3. More than adequate open space has been provided for each unit created. Parking has been provided in accordance with standards outlined in Local Planning Guidance Note 16 Parking Standards.

The overall proposal has been designed with minimal extension and alteration works and the use of as existing materials where work is required to make a positive contribution to the appearance of the site within the locality, in accordance with the requirements of the Unitary Development Plan policy GDP1.

Paragraph 2 of the refusal notice states that insufficient information has been provided with regards to the impact of the repositioning of the hedgerow along the site frontage. The repositioning of this was to improve the lateral visibility of the existing site access. There has been no objection to this from Natural Resources Wales and the Planning Officer did not raise any concerns with regards to this proposal during the determination period.

Paragraph 3 of the refusal notice states that insufficient information has been submitted regarding bat mitigation and Great Crested Newts. An Assessment (PRA) Report was commissioned from Pearce Environment Ltd. and submitted with the application. This report recommended that a further phase 2 bat activity survey should be carried out. This survey was commissioned and carried out by Greenscape Environmental and the subsequent report forwarded to the Planning Officer. Natural Resources Wales responded in their letter of 16/09/2020 that a condition outlined in that letter should be attached to planning approval. There has been no indication from Natural Resources Wales, Pearce Environment Ltd., Greenscape Environment or the Planning Officer during the determination period that there is any issue with the presence of Great Crested Newts.

The original application for this project had two existing access points and one new access into the site. The Chief Officer, Environment and Technical suggested in a memorandum dated 24/07/2020 that the existing access be utilised, the new access abandoned and the second existing access closed off. The site plan was amended in accordance with the Chief Officer's suggestions and he responded with a memorandum dated 07/09/2020 where he requested clarification on the visibility splay as it extended

in a westerly direction. We were still in consultation with the The Chief Officer, Environment and Technical with regards to a precedent set on the adjoining property when the refusal notice was issued. A condition could have been inserted in planning approval for this as it is not insurmountable.

Paragraph 5 of the refusal notice refers to Penley Public Footpath 24. An observation was made during the consultation period from the committee secretary of Ramblers Wrexham County on 15/07/2020 registering his concern that the footpath "should not be diverted or blocked by the development, nor during its construction." There is no problem with this and a condition to that effect could easily be attached to planning approval.

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:	Planning 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:	Certificate A.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued).
File name:	Refusal.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:	Location Plan (2).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:	Document list.pdf
File name:	Block Plan.pdf
File name:	Glenmore Garage.pdf
File name:	Glenmore house.pdf
File name:	Location Plan (2).pdf
File name:	Stable block existing.pdf
File name:	Stable block.pdf
File name:	110320.PRA - Glenmore, Higher Penley - PRA Report (March'20) FINAL.pdf
File name:	20-08 225.1R.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	06. Any other relevant plans, drawings and documents sent to the LPA, but which did not form part of the application (eg drawings for illustrative purposes).
File name:	Additional Document list.pdf
File name:	Block Plan b.pdf
File name:	Access-A.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement.
File name:	D+A Glenmore (2).pdf

Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	08. Additional plans or drawings relating to the application but not previously seen by the LPA.
File name:	Public rights of way definitive map _ Wrexham County Borough Council.pdf
Completed by	MR DAVID SELVEY
Date	27/10/2020 16:53:19