

Town and Country Planning Act 1990 Section 78 appeal

Local Planning Authority Statement of Case

**Appeal relating to the siting of 2 no. static caravans for residential
purposes (in retrospect) at land off Park Road, Cefn y Bedd, Wrexham,
LL12 9UG**

**PINS Refs: APP/H6955/A/19/3222567
LPA Planning Refs: P/2018/0619**

1.0 INTRODUCTION

- 1.1 This document constitutes the local planning authority's statement of case in relation to the aforementioned appeal. The proposal is for the siting of two static caravans for residential purposes. The planning application subject to this appeal was made in retrospect.

2.0 LOCAL PLANNING CONTEXT

- 2.1 The relevant planning policy that the Council wish to rely upon has been included in the Questionnaire which has previously been provided to the Planning Inspectorate and the appellant.

3.0 THE COUNCIL'S CASE

- 3.1 The Council wishes to rely substantially on the report of the case officer at Appendix 1.

- 3.2 Additionally, the Council has given full consideration to the further justification presented by the appellant. Those matters not addressed in the officer's delegated report are summarised as follows:

3.3 *Brownfield land*

The Council considers that little weight should be given to the previous use of the land. Mineral extraction activities clearly ceased many years ago and the Council considers that the land has reverted back to an agricultural use. The characteristics of the land do not meet the criteria set out in Planning Policy Wales for the definition of previously development land.

- 3.4 The appellant's reference to the Council's Background Paper BP2: Settlement Hierarchy and Development Potential is noted. However, this is not considered relevant. The residential development of the land is not considered to represent a logical extension to any existing settlement and therefore the suitability of the nearest settlement for further development should be afforded little or no weight. The site is in an isolated position and considered unsustainable.

3.4 *Purchase of land*

The content of any sales particulars in relation to the appellant's purchase of the land are not considered to be a material consideration. The Council considers that there are no overriding matters that should be given any overriding weight in relation to favourable determination of the appeal.

3.5 *Japanese Knotweed*

The applicant's clearance of Japanese knotweed from the land is noted. However, this is considered to be land management and is not a valid reason to justify the residential use of the land as a 'trade off'.

4.0 SUGGESTED CONDITIONS

- 4.1 Should the Inspector be minded to allow the appeal, the Council respectfully requests that consideration be given to the following condition:

1. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 43 metres in both directions measured to the centreline of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

Reason: To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

5.0 CONCLUSION

- 5.1 The Council considers that the proposal would represent an inappropriate and unsustainable form of development and there are no overriding material considerations that should be afforded any significant weight to justify the proposal. Furthermore the Council would respect and agree with any conclusion of the Inspector that this appeal could satisfactorily proceed on the basis of the Written Representations made. The Council respectfully request that this appeal is dismissed.

APPENDIX 1

CONSULTATION RESPONSES	Supports	Objects	No objection or no comments	Comments	No reply
Community Council					x
Local member(s)				See below	
Highways			x		
Public Protection				See below	
Natural Resources Wales			x		
Welsh Water				See below	
Other					Na
Neighbours					x

RELEVANT HISTORY	P/2011/0272 - RESTORATION OF FORMER SAND/GRAVEL WORKINGS TO AGRICULTURAL USE AND NAUTRE CONSERVATION BY INFILLING. Refused. P/2013/0761 - RESTORATION OF FORMER SAND AND GRAVEL WORKINGS TO AGRICULTURAL USE AND NATURE CONSERVATION BY INFILLING. Pending.
-------------------------	---

PLANNING POLICY/CONSTRAINTS	YES	ACCEPTABLE	NOT ACCEPTABLE
Outside settlement	X		X
Inside settlement			
Conservation Area			
Listed Building/ setting			
Green Barrier			
Special Landscape Area			
Flood Risk			
Within Buffer Zone or affecting SAC*			
World Heritage Site			
AONB			
Other			

LOCAL PLANNING GUIDANCE	ACCEPTABLE	NOT ACCEPTABLE
16	X	
13		x

KEY ISSUES	Acceptable	Not Acceptable	Observations below	N/A
Residential Amenity				X
Design				X
Highway safety	X		X	
Parking	X		X	
Conservation/LB				
Ecology		X	X	
Trees	X			
Other				X

OBSERVATIONS:

Planning permission is sought in retrospect for the siting of two no. static caravans on the site for the purposes of providing residential occupation. The static caravans are located on the western side of the field parcel. A vehicular access is located on the eastern side of the field parcel on to Park Road.

There is no justification for presented for the siting of the caravans in the location shown. As such I have considered the proposal in light of UDP policies PS1, PS2, GDP1 and H5.

As a point of clarification, the applicant describes the land as 'brownfield'. The land has no lawful planning use and I am satisfied is agricultural in planning terms. The land has a historic use as a sand and gravel pit. Extraction has long since ceased and the land appears to have reverted to a succession state – to all intents and purposes a greenfield site. Historic plans indicate no built development on the site.

The caravans are not widely visible from any public vantage point. The access from Park Road leads down to the caravans by an internal trackway.

The residential development of land outside designated settlement limits is governed by UDP policies PS1 and H5. There are no exceptional circumstances demonstrated to me in the application submission. The caravans are not required to support any agricultural, forestry or rural enterprise. The proposal does not represent a conversion or replacement of an existing dwelling.

I am mindful that the Council does not have a demonstrable 5 year housing land supply and it is for the Council to attribute the weight that should be given to schemes that may not accord with UDP policy but can contribute to housing supply. In this instance I afford limited weight. The number of units created is negligible and their siting does not represent a logical addition to any settlement limit. The harm to the open countryside by establishing a residential development in this location is unacceptable – the scheme does not accord with the Welsh Governments own development sustainability hierarchy laid out in Planning Policy Wales.

For the above reasons I am satisfied that the principle of the development should not be accepted and the application refused for this reason.

Notwithstanding the principle of the development, site specific matters have been considered.

Highways are satisfied that the proposal would not represent a danger to highway safety. The site can accommodate adequate off road parking provision. The traffic generation from the site is considered negligible and adequate visibility splays could be provided on to Park Road to its accepted 30mph traffic speed.

There are few arboriculture matters to be concerned with.

Welsh Water raise no concerns due to the private disposal of foul water.

The site is known to be of habitat quality for various protected species. However, I have reason to believe that a development of this limited scale could not be mitigated adequately. I do not consider this to be a justifiable reason for refusal.

There are known land contamination issues, however specialist advice indicates that these matters could be mitigated.

Planning permission should be refused for the following reason:

1. The proposed development would be unsatisfactory and undesirable because the development involves a greenfield site and it is located outside any settlement limits as defined in the Wrexham Unitary Development Plan. To allow the development would be materially detrimental to the countryside and does not maintain existing settlement patterns. The development therefore conflicts with Policies PS1, PS2, PS4, GDP1a) and H5 of the Wrexham Unitary Development Plan.

RECOMMENDATION	
GRANT	
REFUSE	X – Cllrs Apsley and Walsh notified. Cllr Walsh acknowledged, no response received from Cllr Apsley.
S106	