



Appeal Statement

**Gardenbreeze Limited
December 2016**

**Land South of Ridleywood Road and East of Bryn Lane,
Wrexham Industrial Estate, Wrexham**

Local Planning Authority Reference: P/2016/0327

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1 INTRODUCTION

- 1.1 HOW Planning ("HOW") has been instructed by Gardenbreeze Ltd ("the Appellant") to appeal against Wrexham County Borough Council's ("the Council") decision on 6 June 2016 to refuse planning application P/2016/0327 for a variation to condition numbers 2 and 3 of a planning appeal ref: APP/H6955/A/12/2188910 to extend the time limits for submission of reserved matters application and for commencement of development by a further 3 and 5 years respectively at Land South of Ridleywood Road and East of Bryn Lane, Wrexham Industrial Estate, Wrexham.
- 1.2 This Appeal Statement sets out the Appellant's case in support of the proposed variation to conditions 2 and 3.
- 1.3 This Appeal Statement should be read in conjunction with the application drawings and reports as well as the Case Officer's report to the council's Planning Committee, which accompany this Appeal submission as follows:
- Site Location Plan;
 - Covering Letter (submitted with P/2016/0327) ;
 - Design and Access Statement dated ;
 - Letter to Matthew Philips (Case Officer) dated 17 May 2016;
 - Application Forms and Land Ownership Certificates;
 - Edge Red Plan;
 - Design and Access Statement;
 - Draft Unilateral Undertaking; and
 - Application Submission Schedule.

2 THE PLANNING APPLICATION

2.1 On 6th April 2016, HOW, acting on behalf of the appellant submitted the planning application to vary conditions 2 and 3 of planning appeal ref: APP/H6955/A/12/2188910 to extend the time limits for the submission of reserved matters and for commencement of development by a further 3 and 5 years respectively at Land South of Ridleywood Road and East of Bryn Lane, Wrexham Industrial Estate, to the Council.

2.2 The application was submitted on 06 April 2016 and given Local Planning Authority (LPA) reference P/2016/0327. The description of development read:

"Variation to condition No's 2 and 3 of planning appeal ref no. APP/H6955/A/12/2188910 to extend the time limits for submission of reserved matters application and for commencement of development by a further 3 and 5 years respectively."

2.3 The 3 year period for the submission of the reserved matters expired on 6 August 2016.

2.4 A full copy of the planning application and requisite background documents, including appeal decision APP/H6955/A/12/2188910, are provided to the Inspector as part of this appeal.

THE LOCAL AUTHORITY DECISION

2.5 Planning permission was refused by the Council's Planning Committee on 06 June 2016 and the Council's Refusal of Planning Permission Decision Notice was issued on the same day. It sets out one Reason for Refusal (RfR), which is set out below.

"The Council consider that as the previous reasons and justification for approving this development no longer exist, which was to facilitate the expansion needs of a specific end user (NDL), the proposal does not accord with Wrexham Unitary Development policy E3. The site lies outside the defined settlement limit of Wrexham industrial estate and any development on this site without sufficient justification, would detrimentally affect the countryside and landscape character contrary to Wrexham Unitary Development Plan policies PS1, PS2 and GDP1".

2.6 The Inspector's attention is drawn to the fact that the application was not for development and the principle of the development has previously been established. It will demonstrated within this Appeal Statement that the RfR given by the Local Authority is not specific and relevant to the determined application. The RfR is considered further in Section 5 of this document, 'The Case for the Appellant'.

THE APPEAL SITE

2.7 A detailed description of the Appeal Site including the context of its location and surrounding land uses is given in the appended officer report at **appendix 2** and appended appeal decision APP/H6955/A/12/2188910 at **appendix 3**.

3 RELEVANT PLANNING HISTORY

SITE OWNERSHIP

- 3.1 The appellants are the landowners Gardenbreeze Limited, who are a subsidiary company of Kingmoor Park Properties (KPP). Since the outline permission was granted by the Inspector, which referred to Norbert Dentressangle Limited (NDL) as the end user, NDL have been taken over by XPO Logistics (XPO). XPO operate a distribution business from land to the south of but divorced from the appeal site.

PLANNING HISTORY

Northern Land

- 3.2 An outline application was submitted on 10/09/2008 (application reference: P/2008/0993) for B2/B8 development and associated ecological mitigation area including means of access and siting. The application was refused on 06.07.2009. The decision was appealed, with the “split decision” (dated 06.05.2010) giving outline planning permission for development within the southern portion of the site whilst permission was refused for development in the northern section.
- 3.3 Following the “split decision”, a further outline application was submitted on 29/11/2011 (application ref: P/2011/0891) for the northern section, applying for B8 storage and distribution warehouse development and associated ecological mitigation area including means of access off Bryn Lane and layout. The application was refused on 22.06.2012, and subsequently appealed.
- 3.4 The appeal, ref: APP/H6955/A/12/2188910, was allowed on 06.08.2013. The Inspector allowed the appeal in respect of the application site primarily due to the economic benefits that would arise.
- 3.5 A Section 106 Agreement was made in June, 2013 between Gardenbreeze Limited and Wrexham County Borough Council.
- 3.6 An application with reference P/2016/0327 was submitted on 06/04/2016 to vary the time limit for submission of reserved matters and implementation of development (conditions 2 and 3) of the planning permission allowed through planning appeal ref no. APP/H6955/A/12/2188910 (WCBC application ref: P/2011/0891). The application was refused on 06.06.2016.
- 3.7 An application with reference P/2016/0722 was submitted on 27 July 2016 for submission of Reserved Matters (Appearance, Landscaping and Scale) in respect of Outline planning permission P/2011/0891 (Appeal Decision App/H6955/A/12/2188910). The application was granted on 19 September 2016.

SOUTHERN LAND

- 3.8 An outline application was submitted on 10/09/2008 (application reference: P/2008/0993) for B2/B8 development and associated ecological mitigation area including means of access and siting. The application was refused on 06.07.2009. The decision was appealed, with the “split decision” (ref: APP/H6955/A/09/2113258, dated 06.05.2010) giving outline planning permission for development within the southern portion of the site (‘the southern land’) only.
- 3.9 An application with reference P/2013/0270 was submitted to vary the time limit for submission of reserved matters and implementation of development (conditions 2 and 3) of planning permission P/2008/0993 granted through APP/H6955/A/09/2113258. The decision is listed as pending - committee resolution (01.07.2013) to grant permission subject to prior completion of the S.106 Agreement.
- 3.10 In April 2016 a Development Consent Order (DCO) application for the Wrexham Energy Centre (WEC) was accepted by the Planning Inspectorate. A preliminary hearing, to determine the process of examining the proposals was held on 19 July 2016 and the application has now progressed to the formal examination stage. The deadline for completion of examination by the Inspectorate is scheduled for 19 January 2017.

4 RELEVANT PLANNING CONTEXT

4.1 As set out in Paragraph 5.21 of Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' (2014), planning permission can be renewed before the time-limit for the commencement of development has expired, under section 73 of the Town and Country Planning Act 1990. As a general rule, such applications should **only be refused** [our emphasis] where:

- there has been some material change in planning circumstances since the original permission was granted (e.g. a change in some relevant planning policy for the area, or in relevant highway considerations, or the publication by the Government of new planning policy guidance, material to the renewal application);
- continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area; or
- the application is premature because the permission still has a reasonable time to run.

4.2 As noted previously the application was not for development. The principle of the development has previously been established and as such is not a material consideration within this appeal. This statement demonstrates that no material change in planning circumstances, there is no impact on uncertainty and that the appeal proposals are not premature.

5 THE CASE FOR THE APPELLANT

5.1 As set out in Paragraph 5.21 of Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' (2014), planning permission can be renewed before the time-limit for the commencement of development has expired, under section 73 of the Town and Country Planning Act 1990. As a general rule, such applications should only be refused where:

- there has been some material change in planning circumstances since the original permission was granted (e.g. a change in some relevant planning policy for the area, or in relevant highway considerations, or the publication by the Government of new planning policy guidance, material to the renewal application);
- continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area; or
- the application is premature because the permission still has a reasonable time to run.

5.2 As acknowledged in the officer report to planning committee, the key test is whether or not there have been any material changes to the planning circumstances since the grant of permission. The Council's planning committee took the view that the previous reasons and justification for approving the development no longer exist, part of which of which was to facilitate the expansion needs of a specific end user (NDL). The Council's Planning Committee therefore took the view that the proposal did not accord with Wrexham Unitary Development Plan policy E3.

5.3 Whilst the appellant acknowledges that there have been changes to planning policy and circumstances these are not material or so significant as to warrant the Inspector taking a different view from the appeal decision allowing the development.

5.4 The application to which this appeal relates was submitted on 06 April 2016. The 3 year period for the submission of the reserved matters expired 6 August 2016. The appeal application was made 4 months before the expiration date and cannot be considered to be premature as the ability to submit an application for reserved matters would have expired following this date and the appellant had to take into account the determination period of the application to extend the time limits of the conditions.

5.5 The variation of conditions 2 and 3 to extend the time limit for implementation and time limit for the submission of reserved matters respectively is not development in itself and the principle of the development is already established. In allowing the appeal the Inspector acknowledged that the development conflicted with policy E3. The appellant is firmly of the view that the Council has

erroneously relied on policy E3 in refusing the application. However, should the Inspector take a different view a full assessment is detailed below which considers Policy E3 together with full consideration as to whether or not there have been any material changes in planning circumstances since the appeal was allowed.

HAS THERE BEEN A MATERIAL CHANGE TO PLANNING POLICY

- 5.6 As set out in Paragraph 5.21 of Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' (2014), planning permission can be renewed before the time-limit for the commencement of development has expired, under section 73 of the Town and Country Planning Act 1990.
- 5.7 The justification for the development has been reinforced through the strengthening of national guidance with a focus on delivery of sustainable development and promoting economic growth. Technical Advice Note 23 (TAN 23) has been adopted, which reiterates the need expressed in Planning Policy Wales to guide economic development to the most appropriate locations rather than prevent or discourage such development. Paragraphs 2.1.5-2.1.14 of TAN 23 set out three tests to help balance the economic, social and environmental issues. The proposed development fulfils the three tests, as it cannot be accommodated on any other available land and will result in significant socioeconomic benefits. As required under the 'special merit' test, it would make a special contribution to policy objectives by locating industrial development in a disadvantaged area, which could help fight social exclusion, improve run-down places and create job opportunities for people at high risk of unemployment. This was cited in the appeal decision as a key benefit.
- 5.8 In addition to support from National Policy, the Council's employment land evidence base (Employment Land Review) recommends that the appeal site is formally allocated as employment land in the emerging Local Development Plan, concluding that the site as part of the developable area of Wrexham Industrial Estate and therefore the settlement limit should be extended to include the whole of the appeal site. Refer to **Appendix 12: BP5: Wrexham Industrial Estate Expansion Selection** document.
- 5.9 The principle of the development has already been established by virtue of the allowed appeal for outline permission. Furthermore an application for the approval of Reserved Matters, the decision notice is located at **appendix 5**, was granted on 19 September 2016. Now that reserved matters permission has been secured, the appellant can in procedural terms implement that consent in perpetuity by discharging the relevant pre-commencement conditions and making a material start on site. As previously noted, the justification for the development has been reinforced through the

strengthening of national guidance with a focus on delivering sustainable development and promoting economic growth.

- 5.10 The officer report to committee confirms that there have been no changes in local planning policy since the appeal decision. The report also notes that the development of the site conflicts with policy E3, although the Inspector reached the same conclusion but still allowed the appeal, but stresses that the principle of developing the site has already been accepted and that the Inspector allowed the appeal primarily due to the economic benefits that would arise.
- 5.11 A background paper, "*BP5: Wrexham Industrial Estate Expansion Selection*" dated February 2016, concludes that land to the north offers the best potential for accommodating a new extension to Wrexham Industrial Estate.
- 5.12 In summary, the circumstances in justification of the development have not altered and further support is provided by national guidance. There are therefore no planning reasons, or no new technical issues such as landscaping, ecology or landscape matters, or other material circumstances which should prohibit the appeal being allowed. Furthermore, since the council's planning committee took the decision to refuse the application, to which this appeal relates, the appellant submitted and subsequently received approval of reserved matters pursuant to APP/H6955/A/12/2188910.
- 5.13 In conclusion there has been no material change to planning policy relevant for the area.

CLARIFICATION OF THE END USER

- 5.14 Planning consent was previously granted for major scale warehouse development on the site with the intended occupier being Norbert Dentressangle Limited (NDL). Since the outline permission was granted by the Inspector, NDL have again been taken over, on this occasion by XPO Logistics which became public news in April/May 2015. Due to this takeover and related disruption to a decision on investment, a final decision regarding expansion on the land subject to the permission, cannot be made at the present time.
- 5.15 For clarification, the land ownership of the appellant at Wrexham has historically been marketed by agents Matthews and Goodman who are specialists in the industrial and distribution sector. This was the case throughout the recent planning history of the sites at Bryn Lane and there has been no material change in this regard. Due to this ongoing marketing exercise occasionally other enquiries are received. It is understood that there has been further interest from other potential major user occupiers in the appeal site who require a large level site with excellent transport links and that the Council may be aware of such interest. This serves to demonstrate that there is no other suitable available land in Wrexham for these purposes, as was the conclusion reached by

the appeal Inspector. It is also of note that the Council is actively promoting a significant extension to the Industrial Estate, in the vicinity of the appeal site, to cater for the qualitative deficiency in employment land in the Borough, further highlighting the material planning benefits of the planning consent.

- 5.16 The information above regarding the end user was provided to the council during the application process and was referenced within the officer report to committee. The following statement from the officer report to committee is of particular note:

*"Notwithstanding the need for a local business to expand being an important consideration when the appeal was allowed, the extant planning permission **is not** subjection (their emphasis) to any conditions that limit the use of the site to NDL. Indeed making the occupation of a site personal to a particular company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company. Were the extant permission to be implemented, the site could be developed and/or sold to any business that requires a storage/distribution premises".*

- 5.17 The refused application is the only application which has sought to extend the periods of time for implementation and submission of reserved matters. There has therefore been no continued failure to begin the development which is demonstrated by the fact that the appellant sought and received approval for the reserved matters; at significant cost which demonstrates the landowner's commitment to bringing the development forward. Whilst this represents a change to the planning circumstances it only serves to reinforce and strengthen the justification for the development. The appellant now has the comfort of a reserved matters approval and can implement the consent by discharging the planning conditions and making a material start on site.

MATERIAL BENEFITS

- 5.18 As noted earlier in this statement, the justification for the development has been reinforced through the strengthening of national guidance with a focus on delivery of sustainable development and promoting economic growth. TAN 23, which was only in draft form when the appeal was allowed, has been adopted, which reiterates the need expressed in Planning Policy Wales to guide economic development to the most appropriate locations rather than prevent or discourage such development. Paragraphs 2.1.5-2.1.14 of TAN 23 set out three tests, for development control purposes, to help balance the economic, social and environmental issues. The three tests are set out below:

Alternatives: if the land is not made available (the site is not allocated, or the appeal is refused), is it likely that the demand could be met on a site where development would cause less harm, and if so where?

- 5.19 As identified in the appeal that granted permission (ref: APP/H6955/A/12/2188910), there are no other suitable and available sites for XPO's expansion in Wrexham. The land to the south of the site is not a suitable alternative location as it is not available to XPO and continues to be promoted

by Skelton Group for a power station proposal. The appellant's position is that there are no other suitable and deliverable sites of the scale and quality of the application site which could accommodate the proposals elsewhere within the County Borough. This position remains unaltered and it is material that the Council does not envisage adoption of the emerging Local Plan until March 2018.

- 5.20 Whilst there is a quantitative oversupply of employment land in the Borough, not all of the supply for large scale development is of good quality and therefore suitable for business today, as recognised by GVA Grimley who undertook a Borough wide employment land review in 2007 and BE Group who have undertaken a revised Review in 2015, extract located at **Appendix 11**. The most recent Joint Employment Land Review states:

"...although there is no overall need for either Council to identify further land allocations in the period to 2030, there is an exception with Wrexham Industrial Estate where high demand, combines with a constrained overall land supply (See Section 10.0). In order to address this issue, consideration should be given to identifying additional land on Wrexham Industrial Estate, exclusive of ecological mitigation, which may require the provision of mitigation land elsewhere"

- 5.21 The Council's "Council Plan 2016-2017", located at **Appendix 9**, the purpose of which is described by Wrexham County Borough Council as "being to ensure that the people of Wrexham are supported and enabled to fulfil their potential, prosper and so achieve a high standard of well-being". The document highlights key priorities, including the local economy that the Council seeks to focus on. It states that:

"The value of goods and services produced in the County Borough is joint fifth highest in Wales, but gross disposable household income is around the average and availability of suitable land and buildings is a barrier for attracting investment".

- 5.22 The position has therefore not changed since the evidence was presented at the appeal and to the contrary the deficiencies in employment land supply at Wrexham Industrial Estate have been identified and responded to in the Plan Making Process, to the extent that the Council is planning to allocate land currently within the open countryside. No alternative site can be considered to be realistically available or deliverable and no further sites have been identified in the intervening period. As identified above the planning permission is intended for XPO the timing of which will be subject to their decision to progress with expansion however even in the scenario where the expansion does not materialise, the major planning benefits of economic development more than outweigh any negative consequences in terms of socio economic benefits and other factors as identified below.

Jobs accommodated: how many direct jobs will be based at the site?

- 5.23 It is clear that there are overriding economic benefits to the proposals. They will help to retain existing jobs within the County Borough and provide the opportunity for significant new job

creation. The proposals are in line with national planning policy in particular the vision for North East Wales as set out in the Wales Spatial Plan. This seeks to build on the strengths of the local economy and to reduce socio-economic inequalities.

- 5.24 Employment statistics show that approximately 18.3% (2011 census) of local people are employed in the manufacturing sector, which is recognised to be a declining sector of the economy. The proposals will however offer new job opportunities in a related sector, requiring a similar level of skills and can therefore be seen to be particularly relevant for Wrexham.
- 5.25 The benefit of creating jobs must be given significant weight, particularly since the result of the referendum vote to leave the EU, which took place following the determination of the application. An ITV report, located at **Appendix 10**, dated 6 October 2016 states:

"The South Wales and Mid Wales, West Cheshire and North Wales Chambers of Commerce, have released the findings of the first major survey of its members since the result of the referendum. It found the number of businesses reporting growth in export sales and orders, revenues from domestic markets and investment in equipment and training have all fallen in the third quarter of 2016. "The Barometer findings also suggest that business confidence has taken a hit following the Brexit vote and the subsequent fall in the value of the pound".

- 5.26 The proposals can also be seen as an opportunity to raise the economic profile of Wrexham and in particular Wrexham Industrial Estate. Investment on this scale by a major company has the potential to act as a catalyst for the estate in a wider sense by demonstrating that is an attractive location for employers and helping to put Wrexham 'on the map'. Therefore, these clear economic benefits of the proposals are significant material considerations and remain so.

Special merit: would the development make any special contribution to policy objectives?

- 5.27 The 'North Wales Local Authorities - Economic Ambition: A Strategy for Change' (2014) sets out a vision for the region which seeks to improve productivity, competitiveness and growth in the North Wales Economy. It identifies four strategic issues, including 'economic leadership' and 'rebalance the economy to increase growth and productivity'. The extension of time would be in line with the action programme for this, by supporting businesses to realise their growth aspirations, encouraging inward investment, and by developing a key sector (distribution).
- 5.28 In addition, the appeal proposals would make a special contribution to objectives of Planning Policy Wales, more specifically paragraph 7.1.3:

"The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development. To this end, the planning system, including planning policies, should aim to ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses. Local planning authorities should aim to facilitate the provision of sufficient land required by the market, except where there are good reasons to the contrary. In addition, wherever possible local planning authorities should seek to guide and

control economic development to facilitate regeneration and promote social and environmental sustainability. In so doing, they should aim to:

- co-ordinate development with infrastructure provision;*
- support national, regional, and local economic policies and strategies;*
- align jobs and services with housing, wherever possible, so as to reduce the need for travel, especially by car;*
- promote the re-use of previously developed, vacant and underused land; and*
- deliver physical regeneration and employment opportunities to disadvantaged communities”*

5.29 Clearly the appeal proposals will support economic growth and this remains the case since the appeal was allowed. Therefore the justification for the development remains applicable and there has been no material change in this regard as the proposals will still result in significant economic benefit for Wrexham.

PRINCIPLE AND LANDSCAPE

5.30 The second part of the RfR states that the site lies outside the defined settlement limit of Wrexham Industrial Estate and any development on this site without sufficient justification, would detrimentally affect the countryside and landscape character contrary to Wrexham Unitary Development Plan policies PS1, PS2 and GDP1.

5.31 Firstly, the benefits of the site's development have been discussed in detail above. Secondly, an application for the approval of Reserved Matters was granted on 19 September 2016.

5.32 In light of the reserved matters permission has been secured, the appellant can implement that consent in perpetuity by discharging the relevant pre-commencement conditions and making a material start on site. We can confirm to the Inspector that the appellant, following discussions with the Local Planning Authority at a meeting with HOW, is currently preparing an application for the discharge of all pre-commencement conditions; as referenced in the Draft Minutes from that meeting on Thursday 10th November 2016, at **appendix 7**.

5.33 In terms of landscape impact, this was considered in detail by the Inspector when allowing the appeal. The Officer report to committee, to which this appeal relates, stated (amongst other considerations) that landscape impact was taken into account when the appeal was allowed and that the granting of permission for the proposed extensions of time would not result in the development having any different or greater [landscape] impact to those already considered by the Inspector.

5.34 It is pertinent to note that para 32 of the appeal decision references the fact that the Council confirmed in their Statement of Common Ground that they had no landscape objections and in

allowing the appeal the Inspector concluded (at para 43) that the development would not be detrimental to the character and appearance of the area. Furthermore the reserved matters proposals have approved an acceptable, detailed landscape scheme.

5.35 The appeal proposals seek only to extend the time for implementation and for the submission of reserved matters respectively. There are no changes to design, siting etc. and as such landscape is not considered to be material in the determination of this appeal. For reference the approved RM layout is located at **appendix 6**.

5.36 It is therefore beyond any reasonable doubt that the principle of the development is accepted and that allowing the appeal for the proposed extensions of time would not result in the development having any different or greater landscape impact to those already considered by the Inspector.

FLEXIBILITY

5.37 The appellant submitted an application for reserved matters which was subsequently approved. The appellant now has the benefit of a reserved matters permission. However, should the appeal be allowed then this would provide the appellant with additional flexibility which could prove useful in capturing any other potential user requirements under a fresh reserved matters application should such a requirement emerge at some point in the future.

5.38 Should the appeal be allowed and in the event of XPO not making an investment decision in a timely manner, the appellant may choose to pursue an alternative occupier. The appellant would therefore have a greater ability to attract offers from potential users who may wish to incorporate their own building design or ones who are more constrained by costs for instance and would prefer a small unit of a different design. For example, in negotiating with a potential purchaser or occupier, the appellant would have recourse to the approved reserved matters, for a single warehouse building of circa 400,000sqft or the flexibility of an application pursuant to a renewed outline under which a user could submit their own distinct proposals (this might be needed if a specific user required a different building layout or height variation or indeed more than one building). Whilst it would be possible to amend the reserved matters consent to some extent, any substantial departure in terms of its design/layout would give rise to the need for a fresh full planning application.

5.39 The appellant is wholly intent on the building being occupied by XPO but should these circumstances change in planning terms then the appellant would be have greater flexibility if the appeal is allowed. This will also provide greater economic certainty over the future development of the site and the appellant already has the benefit of a reserved matters consent.

- 5.40 The Officer Report to committee and no other material considerations indicate that, should the appeal be allowed, there would be any planning harm. Rather there would only be material benefit; namely economic benefits.

6 CONCLUSIONS

- 6.1 In conclusion, relevant planning policy supports the appeal proposal and further justifies the reasoning for renewing the permission. It is clear that there are no suitable and available alternative sites, as proven by the Council's most recent Local Development Plan evidence. The appeal proposals will assist with the policy objectives of Planning Policy Wales, giving them special merit through promoting social and environmental sustainability by providing employment opportunities to disadvantaged communities.
- 6.2 The application to which this appeal relates was not for development and the principle of the development has previously been established. It has been demonstrated within this Appeal Statement that the RfR given by the Local Authority is not specific and relevant to the appeal proposals.
- 6.3 In accordance with Paragraph 3.1.2 of Planning Policy Wales, the presumption in favour of sustainable development means that the renewal of the permission has no valid reason to be dismissed, and should therefore be allowed as it is policy compliant.
- 6.4 There have been no material changes in planning circumstances, which is clarified in the officer report to committee, that should warrant dismissal of the appeal proposal to extend the time limit for submission of reserved matters and for the implementation of the development (as is permissible) by a further 3 and 5 years respectively pursuant to conditions 2 and 3 of the planning permission.
- 6.5 The Inspector is therefore respectfully requested to allow the appeal.

This report has been prepared by HOW Planning LLP, with all reasonable skill, care and diligence. The scope of this report is subject to specific agreement and has been prepared solely for the benefit of our Client and should not be relied upon by any other party. Any third parties that use this information do so at their own risk. HOW Planning LLP accepts no responsibility for information contained within this report that has been independently produced or verified.

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