

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 27/01/15
Ymweliad â safle a wnaed ar 27/01/15

**gan Declan Beggan Bsc (Hons) DipTP
DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 11 Mawrth 2015

Appeal Decision

Hearing held on 27/01/15
Site visit made on 27/01/15

**by Declan Beggan Bsc (Hons) DipTP
DipMan MRTPI**

an Inspector appointed by the Welsh Ministers
Date: 11 March 2015

Appeal Ref: APP/H6955/A/14/2224880

Site address: Pen y Palmant Farm, Old Road, Minera, Wrexham, LL11 3YR

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 PN & JA Tomlinson on behalf of Tomlinson's Dairies Ltd against the decision of Wrexham County Borough Council.
- The application Ref MIN P/2013/0634, dated 10th September 2013, was refused by notice dated 10th March 2014.
- The development is the '*retention of vehicle parking area previously approved under planning permission MIN P/2012/0255*'.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is retrospective in nature. I will, therefore, consider the appeal as having been made under the provisions of Section 73A of the *Town and Country Planning Act 1990*, as amended, which relates to planning permission for development already carried out.

Main Issues

3. I consider the main issues to be:
 - whether the development is inappropriate development in a green barrier, and if so, whether any very exceptional circumstances exist to clearly outweigh this harm; and
 - the effect of the development on the character and appearance of the area;

Reasons

Inappropriate Development

4. The site lies within a green barrier as designated in the adopted Wrexham Unitary Development Plan 1996-2011 (UDP). The site forms part of an agricultural field

located adjacent to the existing dairy business at Pen y Palmant Farm. A hedge to the west of the field separates it from open countryside, whilst another hedge to the east separates the field from residential development located on the opposite side of the B5430. The southern boundary to the field is partly hedged/fenced, beyond which is an existing business, whilst the northern boundary abuts the existing dairy complex. The site utilises the existing access from the B5430 which serves the dairy.

5. Notwithstanding the Appellant's view that the site does not appear to have been properly assessed for its inclusion in the UDP, the fact of the matter is that it is within the designated green barrier as defined by the UDP. This appeal is not the proper place for debating the issue, nor any concerns raised by the Inspector into the initial Examination of the Wrexham Local Development Plan which was withdrawn in 2012; that discussion may come in due course within the confines of the recommenced Wrexham Local Development Plan (LDP) which is at an early stage of preparation and is not expected to be adopted until around 2018. The LDP is therefore afforded little weight in this process.
6. Policy EC1 of the UDP refers to development in green barriers only being granted planning permission if the proposal is for agriculture, forestry, outdoor sport/recreation, cemeteries and other uses which maintain its openness and do not conflict with the purpose of including land within it. Whilst the UDP is out of date, policy EC1 is consistent with Planning Policy Wales Edition 7 July 2014 (PPW). Where reference is made to green wedges, these have effectively the same meaning as green barriers in this regard. PPW states a presumption against inappropriate development, with substantial weight to be attached to any harmful impact which a development would have on a green wedge/barrier designation. It confirms that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations would clearly outweigh the harm.
7. I heard no compelling evidence that the use of land for employment related vehicle parking, which is generally associated with commercial/industrial areas, constitutes a use appropriate to a rural area. Paragraph 4.8.18 of PPW is quite clear, that other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of including land within it.
8. As regards policy EC1 of the UDP, the Appellant argues the proposed development falls within 'other uses' and due to the nature of the development which is devoid of build structures, it will maintain the openness of the green barrier and does not therefore conflict with the purpose of including land within it. It is also argued that the character of the area is shaped not only by the surrounding countryside, but a mix of other types of development. Openness forms part of the considerations of proposals in the green wedge/barrier. Whilst the adjacent existing industrial building connected to the dairy business to the north already impacts on openness, the overall character of the designated green barrier adjacent to the appeal site is one of openness.
9. The development makes provision for parking to accommodate approximately 18 cars and 12 goods vehicles from midnight to 8.00 pm every day. Notwithstanding the transitory nature of vehicles parked on the site and the fact that any vehicles would be set against the backdrop of the adjacent building, nonetheless, the sense of openness would be significantly eroded. Therefore the proposed development would not maintain the openness of the green barrier and as a result constitutes inappropriate

development in the green barrier, and is therefore contrary to policy EC1 of the UDP and PPW.

10. Although the site is located near to a complex of buildings, a commercial use to the south, and to the built up edge to Minera, for the purposes of applying planning policies, it lies outside the settlement boundary and in open countryside. One of the purposes of a green barrier/wedge according to PPW and policy EC1 of the UDP is to assist in protecting the countryside from encroachment. I consider the development would represent an unnecessary and undesirable encroachment into the countryside thereby conflicting with one of the purposes of including land within the green barrier/wedge. The development, therefore, amounts to inappropriate development in the green barrier/wedge on this basis as well.
11. In conclusion, the development constitutes inappropriate development in the green barrier and is therefore contrary to Policy EC1 of the UDP and PPW.

Very Exceptional Circumstances

12. The Appellant argues that PPW promotes economic development and that substantial weight should be given to the economic benefits of the scheme which will help to sustain employment prospects within the business in addition to other supply chain jobs locally, and these constitute very special circumstances needed to outweigh any harm to the green barrier.
13. The implications on the Appellant's business of dismissing the appeal constitute a material consideration. However, whilst I recognise that PPW encourages economic development, but only in respect that these objectives are consistent with the UDP and PPW in relation to green barrier/wedge policies.
14. It was apparent that a number of redundant large tanks located adjacent to the existing dairy building are due to be removed at some point in the future; this may free up some land for parking. I consider the balance of the argument which is purported to be in favour of the development does not clearly outweigh the harm to the green barrier. The arguments put forward on economic benefits would not add weight in favour of the development and would not diminish the substantial weight against the development by reason of inappropriateness.
15. Reference is made to called-in planning application report, Ref: APP/T6850/V/12/2169855. I have not been supplied with the full text of that decision, only an excerpt. However, that case did not relate to development within a green barrier. Accordingly, the circumstances are not directly comparable with those which apply in this appeal. I have, in any case, reached my own conclusions on the appeal on the basis of the evidence before me.
16. It has been argued that should the site not be made available for parking then the resultant additional traffic movements between the existing site at Pen y Palmant Farm and the nearby main dairy site at Four Crosses, could be detrimental in highways terms, however, there is no conclusive evidence this would be the case.
17. Reference has been made to landscape mitigation by increasing the height of an existing landscaped bund, in addition to the planting of a native hedge to the south eastern boundary of the site to improve delineation between the parking area and the adjacent field. These would not overcome or outweigh the concerns raised above.

18. My attention was drawn to a previous grant of planning permission for an extension of the operational area to the west of the existing dairy. However, I do not have the full details of the circumstances that led to that proposal being accepted, and in any event I have determined the appeal on its own merits.
19. I have considered individually and cumulatively these other considerations and these do not clearly outweigh the harm by reason of inappropriateness. In conclusion the development is contrary to Policy EC1 of the UDP and PPW.

Character and Appearance

20. Whilst being in proximity of other built development, nonetheless development of the field would also detract from and, in my opinion, unacceptably harm the open character and appearance of the area thereby conflicting with policy GDP1 of the UDP. The development would also be contrary to Strategic Policy PS1, which refers to new development for employment being directed to within defined settlement limits/employment areas.

Conclusions

21. I conclude that the development is inappropriate development in the green barrier and very exceptional circumstances do not exist to clearly outweigh this harm. In addition the development would cause unacceptable harm to the character and appearance of the area. After taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal should be dismissed.

Declan Beggan

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr D Haston Dip Est Man MRICS	Appellant's Agent
Mr A Moss BA (Hons) BPL DIPLA, MRTPI CMLI	Appellant's Landscape Consultant
Mr P Tomlinson	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Janet Sutherberry BTP	Senior Planning Officer
Sharon Holman LLB LDC MCD RTPI	Development Control Officer
Louise Phillips BSc MCD	Planning Enforcement Officer

THIRD PARTIES

Mr G Jones	Local Resident
Ms Nerys Hewitt	Local Resident
Mr G Thomas	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Council's notification letter and list of those notified
- 2 Letter from Minera Community Council
3. Letter from Mr D Haston to Wrexham County Borough Council dated 21/11/2007
4. Letter from Wrexham County Borough Council to Mr D Haston dated 3/12/2007
5. Copy of decision notice attached to planning reference MIN P/2012/0255
- 6 Copy of Report into Objections for the Deposit Draft Unitary Development Plan (March 2000)
7. Local Development Plan 2 - Key Plan Preparation Stages