HEAL Planning & Developments
Hooper Enterprise Associates Limited
11 St Marys Place,
Shrewsbury,
Shropshire, SY1 1DZ

appeal.processing@healplanning.co.uk
T: 01743 369 911

HEAL
PLANNING & DEVELOPMENTS

PLANNING STATEMENT

SITE: Croft Cottage, Penygelli Road, Coedpoeth, Wrexham, LL11 3RW

APPLICANT: Kayne Barber



Application Description:

Retrospective application for the change of use from a boot room/hot tub room ancillary to Croft Cottage to an independent residential dwelling.

Site Information:

The application seeks to regularise a planning breach arising from retrospective works carried out on the ancillary boot room and hot tub room attached to the main residential dwelling, with the intention of converting the structure into a separate, self-contained residential unit.

The application site sits ancillary to the main residential dwelling of Croft Cottage, and this application seeks to separate these planning units, creating an additional residential dwelling. Whilst the separation of these planning units will create two independent residential dwellings, there is no intention to sell the proposed unit. The Applicant wishes to use the dwelling himself in order to continue renting his property, Croft Cottage, out to tenants.

The site does not fall within a Conservation Area or an AONB and the property is not listed. The site falls within Flood Zone 1 which means there is little to no risk of flooding.

Site Background:

The Applicant converted his garage into a boot/hot tub room under building control application reference BN/2223/0055. The Applicant completed these works, and in the internal layout was converted as follows:







These works were completed in April/May 2025, and the changes are displayed below:





Prior to this, the Applicant sought planning permission in March 2021 for the '*erection of a dwelling'*, which proposed to replace the garage with a much larger dwelling. This was refused on 22nd June 2021 for the following reasons:

> *'1. Insufficient information has been submitted with the application to allow an assessment of the application in relation to bats and general ecological impacts. The proposal conflicts with UDP Policy EC6.*
>
> *2. There is restricted visibility at the proposed access on to Penygelli Road, resulting in unsafe means of vehicular access onto the highway. The proposal would fail to comply with UDP Policy GDP1 (d).*
>
> *3. The proposal, by virtue of the site layout, has not demonstrated that on-site parking and turning of vehicles can be achieved, independently of each dwelling (Croft Cottage and the application site). The layout would impede the free movement of the occupants of the existing dwelling on the site and would result in vehicles having to*

reverse on to the highway or manoeuvre elsewhere on site, to the detriment of highway safety and residential amenities of existing and proposed occupiers. The proposal would conflict with UDP Policy GDP1(a) (d) and (e).

4. The proposal would result in overlooking impacts directly south of the application site, into the amenity space serving Croft Cottage, resulting in loss of privacy, to the detriment of the existing occupiers. The proposal would conflict with UDP Policy GDP1 (d)'.

The Applicant initially intended to travel for an extended period and, as a result, let the primary residence, Croft Cottage, under a yearly assured shorthold tenancy agreement. However, following a change in circumstances and the need for alternative accommodation—combined with a limited understanding of planning regulations—the Applicant carried out additional works to the garage, extending it to create a self-contained living space. As the main dwelling remains contractually let until November 2026, he now seeks to regularise this planning breach through the submission of this application.

The LPA have confirmed through correspondence with the Applicant in an email dated 6th August 2025 (appendix 1) that these previous refusal reasons will be relied upon within an application for residential use:

'The concerns of the current use of the building as an independent residential unit remain the same today as those raised in the refusal of this 2021 decision of which you were seeking a new build separate dwelling within the same position on the land.'

Therefore, these reasons for the refusal in the previous application will form the basis for the assessment within this Planning Statement.

It must be considered that the proposal as built is much reduced to the scheme as presented in the previous application as a starting point.

Ecology:

The first previous refusal reason in the previous application stated:

> *'1. Insufficient information has been submitted with the application to allow an assessment of the application in relation to bats and general ecological impacts. The proposal conflicts with UDP Policy EC6.*

The Applicant previously commissioned an ecology report which was relied upon in the previous application (appendix 2).

The survey and report were undertaken by Susan Worsfold, who has provided an updated addendum to this report; this is contained at appendix 3.

The previous report stated:

> *'The building and adjacent land were examined to establish the presence of or evidence of use by protected species of animals. A visual inspection was carried out to assess the potential or actual use by bats, of the interior and exterior of the building. One dusk emergence survey was carried out to determine use by bats. No bats were found to be using the building.'*
>
> *'There was considered to be low potential for use of the building by bats. The site is suitable for use by foraging and commuting bats. No evidence of use of the building as a roost or resting place by bats was found.'*
>
> *'There is not considered to be any threat to the conservation status of bats or danger of harm to individuals as the building was not being used by roosting bats. However, it is possible that transient bats may temporarily roost in the building in the future, therefore precautions must be taken. No pointing or repairs of any gaps or crevices should take place which cannot be seen to be empty to minimise the possibility of incarcerating bats. If bats are found at any stage of the development then work in that area must stop and a licenced bat worker contacted for advice.'*

Although the works proposed are now retrospective and in place, there was clearly no evidence of bats on the site.

The decision notice and officer's report provided by the LPA did not at any stage clarify the meaning of *'and general ecological impacts'.*

Nonetheless, the updated ecological report (appendix 3) confirms the following:

> *'Significant planting was carried out, as well as the addition of a bat and bird box to the new dwelling, and a beehive…in the garden.'*

It is confirmed the following species have been planted at Croft Barn:

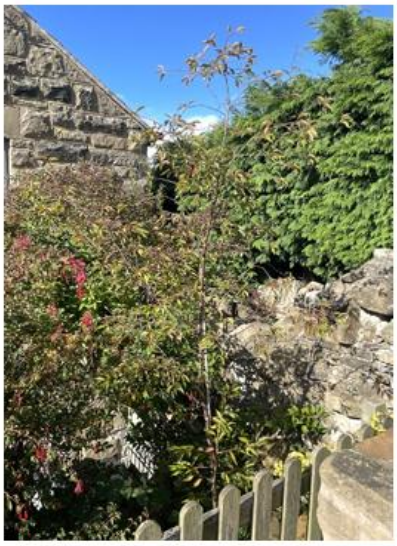
- Wildflower area comprising mixed native species, approximately 50 m2.
- Crab apple x 1
- Holly x 6
- Enlgish lavender x 8
- Willow x 1
- Apple x 3
- Cherry x 1

The report concludes:

> *'There is an increase in biodiversity compared to the prior development. The beehive and bat and bird boxes will provide additional habitat, and the holly and fruit tress will provide nesting and foraging potential for birds. There is space for the trees to mature and they will be maintained by the owners. The external lighting is minimal and downwards pointing, avoiding light pollution and disruption of bat flight paths.'*

Ample photographic evidence is contained within the report, including but not limited to, the following:




Notwithstanding the fact that this application is now retrospective, it is clear that the site has been improved for biodiversity matters, enhancing its potential to accommodate wildlife and plant species.

Highways:

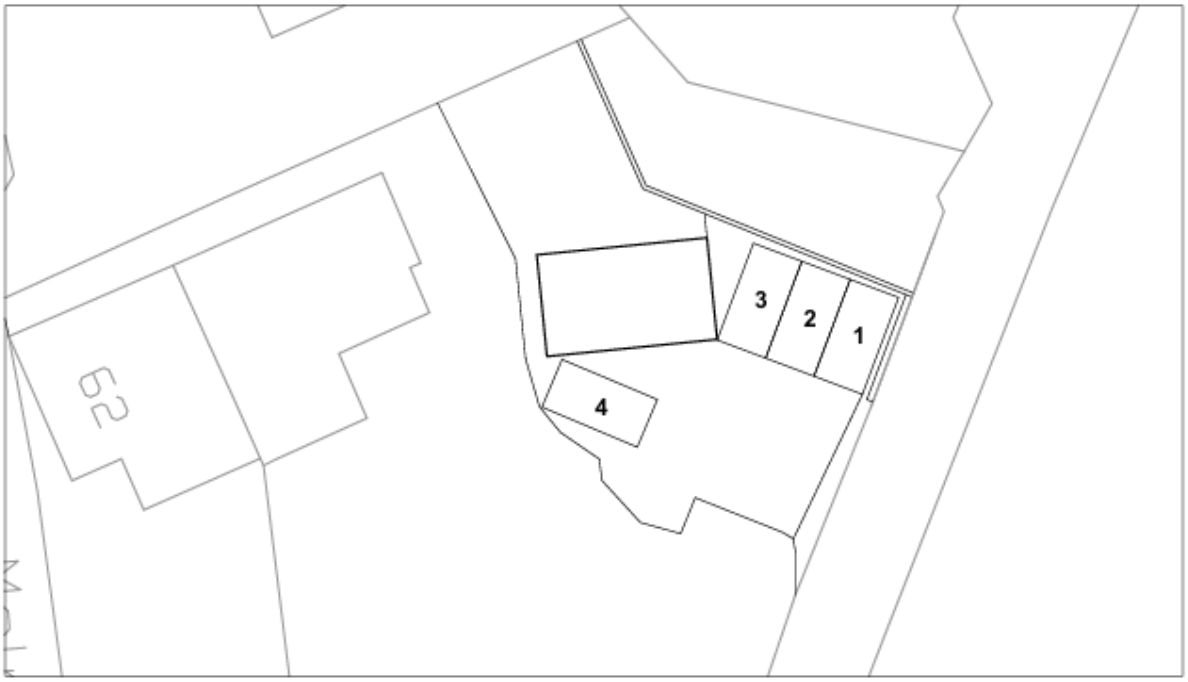
The refusal notice in the previous application stated:

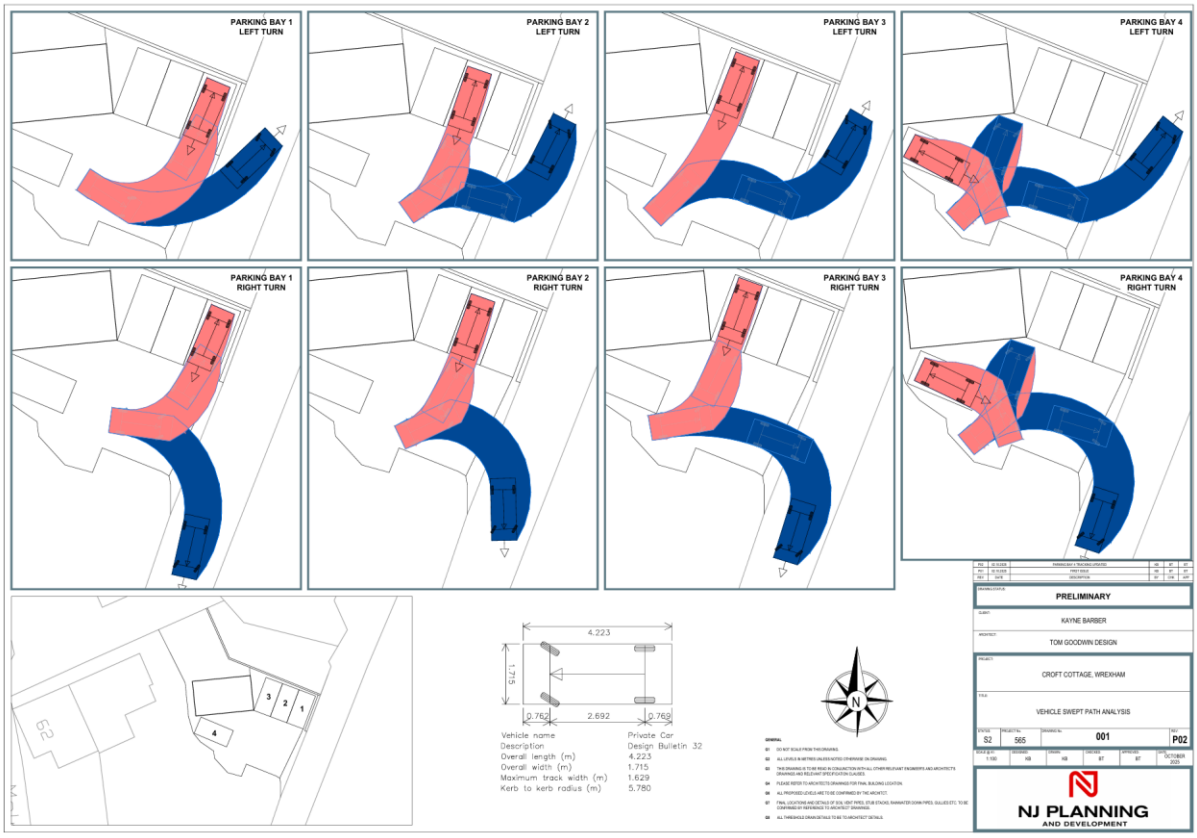
> *'2. There is restricted visibility at the proposed access on to Penygelli Road, resulting in unsafe means of vehicular access onto the highway. The proposal would fail to comply with UDP Policy GDP1 (d).*
>
> *3. The proposal, by virtue of the site layout, has not demonstrated that on-site parking and turning of vehicles can be achieved, independently of each dwelling (Croft Cottage and the application site). The layout would impede the free movement of the occupants of the existing dwelling on the site and would result in vehicles having to reverse on to the highway or manoeuvre elsewhere on site, to the detriment of highway safety and residential amenities of existing and proposed occupiers. The proposal would conflict with UDP Policy GDP1(a) (d) and (e).'*

To address the reasons for refusal, the Applicant has commissioned a visibility splay assessment and a swept path analysis. These are submitted along with this planning statement and appended at appendix 4 and 5.

The swept path analysis clearly demonstrates that there is ample room for 4 cars to park and manoeuvre on site, accessing and exiting the site in forward gear.

These parking positions can be secured by way of condition, enabling enough parking for both Croft Cottage and Croft Barn:





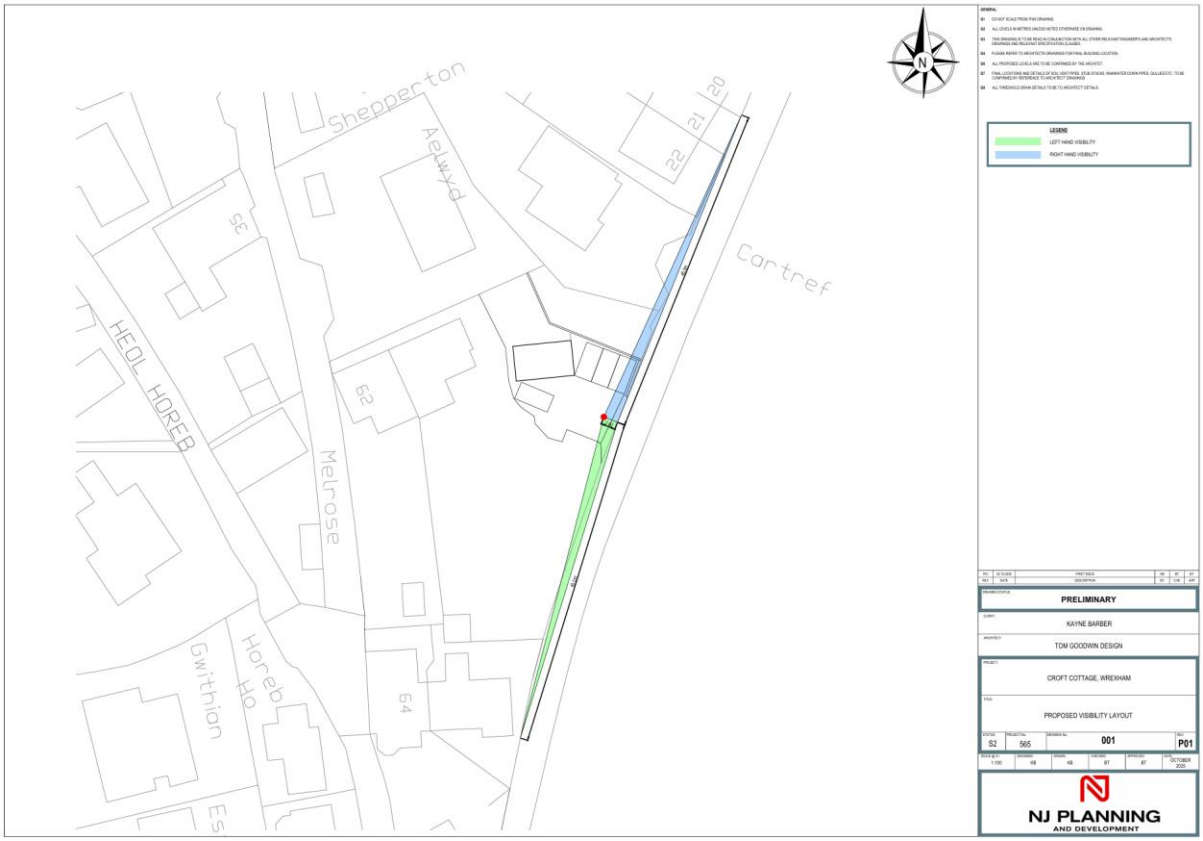
Therefore, clearly safe access and exit can be achieved from the application site and the proposal is in line with policy UDP Policy GDP1 (a) (d) and (e).

The Applicant also received the following advice from a professional surveyor:

'There are numerous precedents in the local area of accesses with restricted visibility onto the highway with evidence of vehicles hanging out onto the highway itself. There is currently no documented evidence of historic collision incidents on Penygelli Road; therefore, no prevailing highway safety concern can be substantiated at time of application. Furthermore, Penygelli Road is an unclassified road, neither class M, A, B or C and Wrexham CBC's guidance on installing new vehicular crossings (i.e. dropped kerb accesses for dwellings) states that planning permission is not required for accesses onto unclassified roads'

While the site can provide sufficient parking, as shown above, this point warrants consideration in the decision making process.

The Applicant has also submitted a visibility layout which confirms visibility splays of 45m in each direction can be achieved, as shown below and at appendix 5:



Clearly therefore appropriate visibility is achievable, and the proposal is in line with policy UDP Policy GDP1 (d).

It is therefore considered the application has overcome the previous reasons for refusal on highways matters.

Amenity:

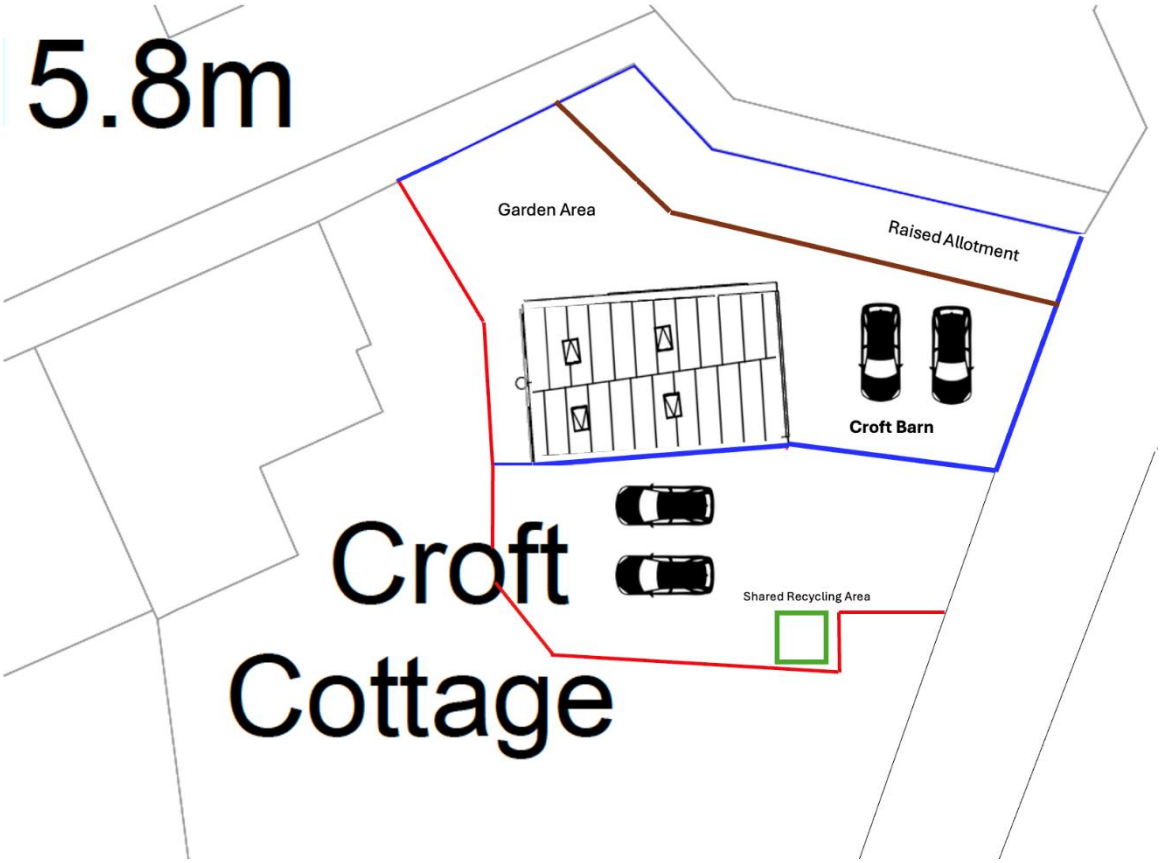
The refusal notice in the previous application stated:

> *4. The proposal would result in overlooking impacts directly south of the application site, into the amenity space serving Croft Cottage, resulting in loss of privacy, to the detriment of the existing occupiers. The proposal would conflict with UDP Policy GDP1 (d)'.*

The image below illustrates the Applicant's ownership of Croft Cottage. The area outlined in red represents the proposed curtilage for the garage and boot room, which, if approved, will be designated as Croft Barn.



In terms of amenity, it is proposed to erect a 5ft fence around Croft Barn as demonstrated by the red line below:



This will ensure that any potential overlooking impacts are negated through the erection of the fence along with the retention of the existing vegetation on site, which will preserve the privacy of the occupants of both Croft Cottage and Croft Barn.

Other Matters for Consideration:

Character and Apperance

In terms of character, all nearby and adjacent land uses and buildings should be considered as part of the character of an area regardless as to whether they are considered positive or not. It should also take into account the pattern of development in the immediate area whether it is visible or not.

Impact on appearance should be assessed only from public viewpoints.

There is a varied amount of design, plot size and spaces to the dwellings within the vicinity of the application site, as demonstrated by the below images:




Legend
Google Earth
0.55 m
N


Legend
Google Earth
1.31 m



Clearly, the immediate area features a diverse range of architectural styles and building materials, and as a result, the area does not exhibit a clearly defined character.

By using natural wood cladding, the applicant has ensured the garage integrates harmoniously with its surroundings and enhances the visual quality of the site, as shown below:





This variation of character has been acknowledged by previous Inspector's nationwide, such as in appeal decision APP/B1605/W/24/3350209 (appendix 6) at Little Duncroft:

> *'9. The character and grain of the surrounding area is varied, with some variation in the plot sizes and spaces between dwellings, including that of the recently constructed houses to the south. I observed that there is no dominant architectural style, with the local vernacular comprising an eclectic mix of built form, heights, materials and architectural composition. There was also a number of examples where plots had or have permission to be sub-divided, as well as existing frontage development with dwellings positioned behind. These all add to the variety of character and plot sizes in the area.'*
>
> *'11. It is appreciated that the building is larger, in both footprint and height, than that of the previously approved garage and that the windows in the west and east elevation are also different from those previously approved. However, the overall scale of the development is appropriate to the character of the locality and the design and size of*

the windows are sensitive to the local distinctiveness of the area. Furthermore, the use of cladding on the proposal is suitable, as cladding is already used on some of the other new or extended dwellings in the area. Therefore, the materials are sensitive to its surroundings.'

In Appeal Decision reference APP/N1730/W/21/3273187 at Warbrook Cottage the Inspector notes:

'17. With regard to the character and appearance of the area more generally, development along Warbrook Lane and adjoining Lower Common Road is predominantly characterised by a mix of detached and semi-detached 2-storey dwellings and bungalows. These are of varying style, scale and massing, and, except in relation to a distinct group of historic estate dwellings, there is little sense of consistency. The plot on which the proposed dwelling would stand would nonetheless be unusually small, as would the dwelling.

18. As established above, the proposed building form would be the same as that previously approved. As such, the effect that its unusually small size would have on the character and appearance of the area would depend at least partly on the extent to which use of the building as a separate dwelling, rather than as a domestic outbuilding, was both perceived, and perceived as incongruous.

19. The garage can be viewed directly up the driveway, as would the proposed dwelling. Given that the site access would be shared, this would require the frontage to remain generally open. Parking would be accommodated within space already available for parking. In each regard there would be little change. As clear public views towards the rear would not be possible, there would be no indication of how large the back garden or overall plot was. There would also be little or no visibility of garden paraphernalia, which, as noted above, could in any case be located anywhere within the existing garden. The additional windows in the front gable and roof would not in themselves be diagnostic of separate residential use. The only obvious indications of a change in use might therefore be the display of a separate name or number. Given the modest nature of these indicators, it appears unlikely that the change in use would be broadly perceived. Even if it was, in view of my findings above, the change would not

harm the broader character and appearance of the area, or have any distinctly urbanising effect within the locality. As such the development would not be harmful.'

Despite originating from different authority areas, the findings are considered relevant to the current application.

For these same reasons, it is considered the development accords with policy GDP1 where relevant, as discussed below in this statement.

With regards to appearance, it is considered the works undertaken have improved views into and of the site, enhancing the building as shown in the above images. Views into the site are visible from Penygelli Road, and is in the context of a small rural lane siting residential dwellings to the east and west of the appeal site.

Accordingly, the development is considered to be in keeping with the local character and appearance, while offering a beneficial improvement to the site.

Additional Unit of Housing

The proposal would contribute an additional unit of housing towards the supply within the district, using and converting an existing building.

Sustainability

It has widely been accepted that 2km as an acceptable walking distance, and 5km is an acceptable cycle distance.

It has also been widely accepted that these distances can be combined in a multi-mode journey. Therefore, bus services can be combined with walking or a bike ride.

There is a Spar within 900 metres of the application site, and an Asda Express within 1.11km. The Pharmacy Coedpoeth is within 606 metres, and The Golden Lion Pub within 400 metres.

A primary school, Ysgol Penygelli, also lies within 725 metres of the application site.

There are several doctor's surgeries, with the closest being Caritas Surgery at 657 metres.

Morrisons superstore is within 4.49km, which is accessible via cycling.

The closest bus stop is 582 metres from the site, and route 11/11A provides access to Wrexham, which hosts further facilities including superstores. Route T51 provides access to Ruthin, Denbigh and Rhyl.

Clearly the site is within a large acceptable walking and cycling distance to several amenities, and public transport access is easily accessible. This fully accords with the aims and objectives of Note 16, Parking Standards.

Fire Escape

There is a fire escape window in the roof of the building, situated above the mezzanine floor, as shown in the elevation plans.

Local Planning Policy Context:

The relevant parts from the Council's Local Plan with commentaries under each are set out below:

In line with paragraph 11 of the NPPF, the most important policies for determining the appeal need to be identified. It is clear from the judgement Wavendon Properties Ltd v SoSoHCLG & Milton Keynes Council [2019] EWHC 1424 (Admin), that the collection of most important policies should be considered in the round.

Most important policies should only be those that govern the development proposed in a particular area. More generic policies that can apply to multiple types of development should not logically be considered as most important policies. This approach is adopted in the below assessment of the previous refusal policies, which it is reasonably assumed the LPA would consider relevant to this applicaiton.

Wrexham Unitary Development Plan

- EC6 Biodiversity Conservation
- GDP1 Development objectives
- H2 Residential development within settlements

Despite being adopted in 2005, the LPA rely on the policies contained in the Wrexham Unitary Development Plan 1996-2011.

EC6 Biodiversity Conservation states:

Biodiversity Conservation

Policy EC6 Development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Where such development is permitted, damage should be kept to a minimum, and compensatory measures should be provided. Measures to improve the biodiversity value of sites and enhance their natural conservation interest and landscape quality including the establishment of local nature reserves, will be supported.

Although the proposal is retrospective and thus not subject to biodiversity thresholds, the Applicant has commissioned an updated ecology report confirming that no harm to biodiversity has occurred, and in fact the site as a whole has been enhanced and provides additional biodeversity gain for speicies. This is further to the previously submitted ecology report which also confirmed that, with mitigation methods implemented, there would be no harm to biodiversity, and these measures were merely precautionary.

The Applicant has installed bird and bat boxes and a beehive along with additional planting to actively enhance biodiversity habitats within the site.

GDP1 Development objectives states:

Policy GDP1 All new development should:-

a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.

b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.

c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.

d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.

e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.

f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.

g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.

h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.

i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.

j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.

k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.

The proposal has been designed to a high, economical standard, and is merely an extension to a exisiting building. Therefore in principle the location of the building is acceptable. As discussed above under character and apperance in this statement, it is considered that there is a diverse character to the area which the proposal compliments, and the apperance of the site is enhanced through the works undertaken.

A visibility splay plan demonstrates that 45m visibility can be achieved in each direction from the access point, and a swept path anaylsis demonstrates that there is sufficient space for the parking and manouvering of 4 cars to enter and exit the site in forward gear.

Public services are already connected to this building, as it currently ancillary to the main dwelling on site.

H2 Residential development within settlements states:

Policy H2 Residential development on unannotated land within settlement limits will be permitted subject to compliance with Policy GDP1.

The structure is a garage ancillary to the main dwelling, and therefore already in situ. It is proposed that a change of use takes place to create an independent residential dwelling, but the location of the building is acceptable inprinciple, and as demonstrated above, complies with policy GDP1.

National Planning Policy Framework:

It is important to draw attention to relevant sections of the Welsh National Planning Policy Guidance.

Para. 1.2. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. **The proposed development meets the needs of the present occupants by allowing them to live independently and respect the terms of the lease undertaken, creating a comfortable, usable space, improving the suitability of the property. It is not so specific that it would not benefit any future occupants of the property. The actual use of the building has raised no objection in the neighbourhood and causes no significant harm to the neighbouring properties. It therefore complies with the social objectives.**

There is no harm to any ecology as the land is already developed. It complies with the environmental objections of this policy.

Para. 1.6 The suite of documents placed at the heart of the planning system in Wales is our commitment to delivering and maximising the contribution planning makes to the achievement of the goals set out in the Well-being of Future Generations Act. Planning authorities are under a duty to have regard to the 'Well-being Plans' published by the Public Service Boards (PSBs) during SDP/LDP preparation and review and they form a key part of the evidence base. Reference documents provide information that should be read in conjunction with this document. **The proposal is meeting the need for additional space by creating an additional dwelling within an existing building. It does not compromise the ability**

of future generations to meet their own needs yet meets the needs of the present occupiers and therefore fully accords with this policy.

A Placemaking Wales Charter has been developed to reflect the collective and individual commitment of these organisations to support the development of high-quality places across Wales for the benefit of their communities (dcfw.org/placemaking/placemaking-charter/).

Para. 2.6 Sustainable placemaking is an inclusive process, involving all of those with a professional or personal interest in the built and natural environment, which focuses on developing plans, making decisions and delivering developments which contribute to the creation and enhancement of sustainable places. **The local community, who have personal interest in the built environment, have been consulted on the proposal previously and no objections were received on the larger scaled proposal.**

Para. 2.7 Placemaking in development decisions happens at all levels and involves considerations at a global scale, including the climate emergency, down to the very local level, such as considering the amenity impact on neighbouring properties and people. **As noted, the local community have been consulted on the proposal and no relevant objections have been received in relation to the actual use of the building which is the only matter up for assessment here. There are no windows facing any neighbouring properties and therefore no issue of overlooking or loss of privacy will occur.**

Para. 2.8 Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven well-being goals and by using the five Ways of Working, as required by the Well-being of Future Generations Act. This will include seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals and policies in line with the Act's Sustainable Development Principle. **This proposal has sought to meet the**

sustainable development guidance in the PPW. It does not compromise the property for future generations but allows the present occupants to segregate and adapt their home to meet their needs. It is making an effective use of the land, providing an additional space and unit of housing, meeting the economic, social, and environmental requirements. There is no doubt therefore that the sustainability principles and objectives are fully met.

The PPW 12 also states on page 128 that: '*support development which contributes positively to an area and addresses environmental risks which constrain potential and impact adversely on communities and the natural and built environment by using PDL or existing buildings and taking opportunities to 'clean up' land and address dereliction, where this is informed by the historic and natural environment.'* **The proposal clearly complies with this criterion, providing an additional unit of housing through the re-use of an existing building.**

Conclusions:

The application is a retrospective application for the change of use from a boot room/hot tub room ancillary to Croft Cottage to an independent residential dwelling.

The LPA have confirmed through correspondence with the Applicant in an email dated 6th August 2025 (appendix 1) that these previous refusal reasons will be relied upon within an application for residential use:

> *'The concerns of the current use of the building as an independent residential unit remain the same today as those raised in the refusal of this 2021 decision of which you were seeking a new build separate dwelling within the same position on the land.'*

Therefore, these reasons for the refusal in the previous application have formed the basis for the assessment within this Planning Statement.

The refusal reasons related to:

- Ecology
- Visibility splays
- Manoeuvrability and safe parking of vehicles
- Amenity of Croft Cottage

The applicant has improved the site in terms of biodiversity gain; the beehive and bar and bird boxes installed will provide additional habitat, and the holly and fruit tress will provide nesting and foraging potential for birds. There is space for the trees to mature and they will be maintained by the owners. The external lighting is minimal and downwards pointing, avoiding light pollution and disruption of bat flight paths. The site has been improved for biodiversity matters, enhancing its potential to accommodate wildlife and plant species, and compying with UDP Policy EC6.

A swept path analysis clearly demonstrates that there is ample room for 4 cars to park and manoeuvre on site, accessing and existing the site in forward gear. Therefore, safe access and exit can be achieved from the application site and the proposal is in line with policy UDP Policy GDP1 (a) (d) and (e).

The Applicant has also submitted a visibility layout which confirms visibility splays of 45m in each direction can be achieved. Therefore appropriate visibility is achievable, and the proposal is in line with policy UDP Policy GDP1 (d).

It is proposed that a 5ft fence to erected around Croft Barn to secure the privacy of Croft Cottage, thereby removing any concerns pertaining to amenity issues.

Additionally, the proposal will provide for an additional unit of housing in the borough in a sustainable location.

It is considered that the Applicant has sufficiently responded on each previous refusal reason and demonstrated that the proposal is appropriate and in line with both local and national policy.

Recommendation:

The Planning Authority is respectfully requested to approve this application.

21st October 2025

Hooper Enterprise Associates Limited
11 St. Mary's Place
Shrewsbury
SY1 1DZ

Appendices:

1. Correspondence between applicant and LPA, dated dated 6th August 2025
2. Ecology Report by Susan Worsfold, dated 25th July 2021
3. Retrospective Ecology Assessment by Susan Worsfold, dated 16th October 2025
4. Vehicle Swept Path Analysis drawing no. 001 by NJ Planning and Development
5. Proposed Visibility Layout, drawing no. 001 by NJ Planning and Development
6. Appeal decision APP/B1605/W/24/3350209 *Mr and Mrs J Lawrence v Cheltenham Borough Council*, dated 6th June 2025
7. Appeal Decision APP/N1730/W/21/3273187 *Mr R Gurr v Hart District Council*, dated 21st September 2021