
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 09/05/19

gan K Sheffield BA(Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 30.05.2019

Appeal Decision

Site visit made on 09/05/19

by K Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 30.05.2019

Appeal Ref: APP/H6955/A/19/3222567

Site address: Land off Park Road, Cefn-y-Bedd, Wrexham, LL12 9UG

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 Mr A Penman against the decision of Wrexham County Borough Council.
 - The application Ref P/2018/0619 dated 11/06/2018, was refused by notice dated 03/10/2018.
 - The development proposed is siting of 2 No. static caravans for residential purposes.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would accord with planning policies concerning the location of new residential development in the open countryside.

Reasons

3. The appeal relates to two static caravans which have been sited on land which forms part of a larger area within the control of the Appellant. The extraction of sand and gravel from the land took place prior to its purchase by the Appellant. Although the planning permission granted in 1968 required the restoration of the land back to a condition fit for agricultural use, the condition was not complied with. Two subsequent applications have been submitted for the restoration of the land, one was withdrawn and the second is pending.
 4. According to Planning Policy Wales (PPW) previously developed (also known as brownfield) land is that which is or was occupied by a permanent structure (excluding agriculture or forestry buildings) and associated fixed surface infrastructure. However, land used for mineral extraction is only included in this definition where provision for restoration has not been made through development management procedures. Also excluded from the definition is land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings.
 5. During my site visit I saw no evidence of the previous minerals use or of any permanent structures. Whilst the land may not have been restored back to a condition fit for agricultural use, the planning permission granted in 1968 made provision for such works to take place. Furthermore, the land has revegetated over time and can be
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reasonably considered to be part of the natural surroundings. On this basis I do not consider that the appeal site constitutes previously developed land.

6. In the adopted Wrexham Unitary Development Plan (UDP) the site does not lie within the development boundary of any identified settlement and is therefore classed as being within open countryside. The siting of static caravans on the site constitutes residential use of land in open countryside which is not supported by Policy PS1 of the UDP. Whilst Policy H5 of the UDP does allow residential development in the open countryside, the proposal does not satisfy the specific requirements of the policy.
7. It is acknowledged that there are properties and businesses within the surrounding area and public transport is available within relatively short distances of the site. Nevertheless, the caravans are sited in open countryside and some distance from neighbouring properties. I do not consider that in this location the proposal represents a logical extension to an identified settlement. The Appellant contends that the site satisfies the criteria set out in the Wrexham Local Development Plan (LDP) Background Paper BP2: Settlement Hierarchy and Development Potential. However, the assessment of the site in the light of BP2 is a matter for the Local Development Plan process not this appeal. The UDP remains the development plan for the purposes of the appeal and whilst the emerging LDP is a material consideration it is still being examined. On the evidence before me I do not consider the emerging LDP carries any weight in support of the appeal. The land was previously owned by the Council. The Appellant has stated that his intention to develop it for residential purposes was made known to the Council's representatives conducting the sale and he bought it believing residential use would be forthcoming in the future. However, the site was described in the sales particulars as amenity land and although the list of possible uses included the siting of caravans, it was clear that any use was subject to the consent of the local planning authority. Reference was also made to the land being sold subject to, amongst other things, the development plan.
8. The eradication of Japanese Knotweed from the site and adjoining land was a condition of the sale. Whilst its eradication is a benefit, it is controlled by separate legislation and carries no weight in favour of the appeal. I have reached a similar conclusion regarding the security of the site.
9. On balance I conclude that the proposed development within open countryside would not accord with Policies PS1, PS2, PS4. GDP1a and H5 of the UDP and there are no overriding material considerations which justify the proposal.
10. In reaching this decision I have taken into account the requirements of section 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that the proposal would fail to meet the goal of providing safe and resilient communities. As such I consider my decision to be in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the Act.
11. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

K Sheffield

INSPECTOR