The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 7/03/13

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19/04/13

Appeal Decision

Site visit made on 7/03/13

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 19/04/13

Appeal Ref: APP/H6955/A/13/2190394
Site address: Park Lane, Rossett LL12 0BQ

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 G Jones against the decision of Wrexham County Borough Council.
- The application Ref ROS P/2012/0355, dated 8 May 2012, was refused by notice dated 5 July 2012.
- The development proposed is change of use to allow for the siting of four holiday chalets.

Decision

1. The appeal is dismissed.

Main Issues

2. These are; the effect of the proposal on the character and appearance of the area, and whether the development would be at a significant risk of flooding.

Reasons

3. The appeal site is located in the countryside opposite Park Lane Court, a conversion scheme of farm buildings to residential use. There is also a pair of dwelling houses to the south-east of the site. The site itself is an area of grassland bound by agricultural land to the north and east. The existing driveway which serves the garages of the adjacent residential conversion also serves the appeal site with two splayed entrances leading to two wooden gates. The site is situated some 3km from Rossett and 1.5km from Trevalyn.

4. Planning Policy Wales Edition 5 (PPW Edition 5) generally encourages sustainable tourism in ways which enable economic development and rural diversification. It indicates that much of the existing tourism provision occurs in urban areas, and in some places there may be a need to limit new development to avoid damage to the environment. The guidance indicates that in rural areas tourist related development is essential for the rural economy and that planning authorities should provide the framework for well-located tourism facilities. Development for tourism where appropriate should be located on previously developed land and the sensitive refurbishment and re-use of historic buildings presents particular opportunities for tourism and leisure facilities.

5. Policy CLF9 of the Wrexham Unitary Development Plan (UDP) indicates that visitor accommodation outside settlement limits will only be permitted through the

conversion of existing buildings and by extensions to existing serviced and self-serviced accommodation. The policy then lists the applicable criteria in relation to conversions and extensions to existing tourism facilities. UDP Policy CLF10 considers new touring and camping sites. The Council indicate that Policy CLF10 is not applicable, and whilst the proposal would be for caravans, the policy deals with specifically touring caravans. I would concur with that interpretation. I also consider that the development conflicts with UDP Policy CLF9.

6. The UDP whilst intended as a development plan for up to 2011, has a broad application of tourism polices which is consistent with PPW Edition 5. It provides a strategic framework for tourism and manages future needs to ensure that negative environmental impacts are limited and that the landscape is protected. The relevant policy is therefore not outdated or would otherwise conflict with national policy having regard to paragraph 11.2.1 of PPW Edition 5. I do not consider that the circumstance of paragraph 2.7 of PPW Edition 5 applies in this case. I conclude that the development would not accord with the provisions of the development plan and the tourism strategy for the area, in relation to the relevant planning policy.

7. The North Wales Tourism Strategy 2010-2015 whilst material does not outweigh the necessity for a plan led approach for delivering sustainable development, as set out in paragraph 4.2.4 of PPW Edition 5. I note the benefits that would ensue to the local economy should this proposal go ahead and the need to provide a variety of tourist accommodation in North Wales, but that could also be the case if the development was located near the settlement and on previously developed land.

8. In relation to the impact of the development on the local landscape character, it is recognised that the protection afforded to the countryside remains an important consideration and that new development in such areas must continue to be strictly controlled. The layout of the development is particularly linear and would be visible from the roadside viewpoint and from the countryside in general. I do not consider that development is acceptably assimilated into the landscape, despite the screening behind the pair of dwellings nearby. The site is relatively open in appearance and the development would erode this intrinsic quality.

9. I therefore conclude that the development would harm the character and appearance of the area, conflicting with UDP Policies CLF9 and GDP1 (a), which seeks to ensure that development accords with the character of the area.

10. Turning to the issue of flooding, the Appellant has submitted a flood consequence assessment which the Environment Agency (EA) now accept satisfactorily deals with the risk, although notes that there is a culvert underneath the site. In the light of this the EA request that the Appellant undertake investigation work and is unable to withdraw its objection.

11. The Environment Agency (EA) has confirmed that part of the appeal site lies within Zone C2, and this set out in *Technical Advice Note 15: Development and Flood Risk* (TAN 15) (2004) as an area of floodplain without significant flood defence infrastructure. The proposal would be a residential use and therefore would be highly vulnerable development in relation to TAN 15 guidance.

12. TAN 15 indicates that in accordance with paragraph 6.2 and the summary of the policy requirements contained in section 9, the flooding consequences associated with highly vulnerable development in Zone C2 areas are not considered to be acceptable. Highly vulnerable development and Emergency Services in Zone C2 should not be permitted.

This guidance therefore indicates that the flood consequences of this type of development in a Zone C2 would not overcome the policy objection, and there is no justification for it, unless it is a less vulnerable form of development and would meet the tests outlined in paragraph 6.2. The development therefore conflicts with UDP Policy EC12 in relation to flood risk.

13. The policy support for the tourist development as set out in relevant paragraphs of *Technical Advice Note 6 Planning for Sustainable Rural Communities* and *Planning Guidance (Wales) Technical Advice Note (Wales) 13* is outweighed in this instance by the precautionary approach of TAN 15 and the advice contained in PPW Edition 5.

14. I therefore conclude that the development would be at a significant risk of flooding. Having regard to all other matters raised, I conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR