Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Appeal Decision

By Declan K Beggan BSc (Hons) MSc DipTP DipMan MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 01/04/2026

Appeal reference: CAS-04579-Y5P3V9

Site address: 1 Laurel Cottages, Garth, Glyn Ceiriog, Llangollen, LL20 7NE

- 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 Lilith Raven against the decision of Wrexham County Borough Council.
- The application Ref. P/2024/1603, dated 19 January 2024, was refused by a notice dated 16 April 2025.
- The development proposed is described as a “Change of use of land to residential curtilage and formation of new vehicular access”.
- A site visit was made by the Inspector on 20 February 2026.

Decision

1. The appeal is allowed, and planning permission is granted for a “Change of use of land to residential curtilage and formation of new vehicular access”, in accordance with the terms of the application, Ref. P/2024/1603, dated 19 January 2024, subject to the conditions in the schedule at the end of this decision.

Procedural Matters

2. The description of the site address varies slightly between that stated on the planning application form and the Council’s decision notice; I have used the latter as its more concise. In addition, the description of the proposed development varies between that stated on the application form and the Council’s decision notice, I have used the latter as it is more accurate.
3. The Council’s reasons for refusal allege conflict with policies in the Local Development Plan (LDP). The Council’s decision to adopt the LDP was quashed by the High Court on 19 May 2025. Consequently, the development plan comprises Future Wales and the Wrexham Unitary Development Plan 1996-2011, adopted 2005 (UDP). The Council has indicated the UDP/national policies with which it considers the proposed development can be considered against. In light of the fact that relevant UDP development management policies are in general accordance with national policy I am satisfied that I do not need to go back to the main parties on the issue. The relevant policy and guidance considerations are listed within this decision.
4. The proposed development has already commenced with the access and drive already in place.

Main Issues

5. The main issues in this appeal are:

   - The effect on biodiversity interests; and,
   - The effect on highway safety.

Biodiversity

6. The Council's first refusal reason refers to the works that have been carried out resulting in the removal of a section of important hedgerow without any significant public benefit. It is maintained the works have led to a biodiversity/connectivity deficit on the site. The appellant submitted an Ecological Impact Assessment (EIA) that states no priority habitats are affected by the proposal, and that no species of conservation value were seen on the site, nor rare/threatened species of plants. The EIA notes that whilst vegetation has already been cleared, the immediately surrounding vegetation remains and include species such as grasses, bramble, foxglove, hazel and sycamore. The application was also supported with a Green Infrastructure Statement, which although light in detail, for a scheme of this size is adequate to augment the appellant's arguments in terms of the biodiversity value of the site and proposed enhancements.

7. The appellant maintains the hedge removed consisted largely of laurel, an invasive, non-native species, that offers limited ecological value. Whilst at this stage it is not possible to confirm with certainty the type of hedge removed, the appellant's description is consistent with the neighbouring adjoining hedgerow that would have met the hedge that was removed. Whilst the Council maintain the removed section of hedgerow was important, they have provided little in the way of evidence to substantiate what that importance was. Based on the appellant's submitted evidence and my site observations, and in the absence of evidence to indicate otherwise, it appears likely that the relatively modest section of hedge removed had only limited ecological value.

8. The appellant has indicated her intention of planting a new native hedgerow to separate the driveway from the existing woodland. In addition, she intends to carry out other ecological enhancements such as native shrub planting to other boundaries, and further tree planting to her rear garden including native species such as hawthorn, holly, blackthorn and hazel. Other suggested measures are bird, bat and insect housing and a wildflower area of approximately 20 m2. These would be biodiversity net benefits, that would compensate for the modest section of hedge removed and promote ecological connectivity; any compensatory ecological enhancement can be subject to a planning condition as suggested by the Council in their appeal questionnaire. For other highway related reasons discussed later in this decision, notwithstanding the removal of part of the hedge, the provision of the access would also have a significant public benefit that would outweigh the limited harm to removal of the hedge, particularly so given the compensatory enhancement.

9. Pulling the threads of the above together, for the reasons given above, I am satisfied the development to be retained would not harm biodiversity interests and would not run contrary to Policy GDP 1 of the adopted Wrexham Unitary Development Plan (UDP), advice in Planning Policy Wales Edition 12, and advice in the Council's adopted Local Planning Guidance Note 14 – Garden Extensions in the Countryside (LPG14), that collectively seek to protect such interests.

Highway Safety

10. In short, the Council's case, as per their second reason for refusal, is that the layout of the access, in combination with restricted visibility is not considered to be adequate to the

detriment of highway safety. The development subject to this appeal would utilise an access onto a very narrow, unclassified lane, that is for large stretches single width. Whilst the road is subject to a 60-mph speed limit, the Council estimate that the typical speed is around 20 mph; based on my site visit this appears to be a reasonable assumption, where due to the nature of the lane, traffic speeds are highly likely to be low.

11. The Council highlight that the based on typical speeds of around 20 mph any access at the property would require a visibility splay of 2.4 x 25 m in both directions, measured to the nearside edge of the adjoining carriageway. The current visibility falls below these standards. The Council state that guidance in "Manual for Streets" indicates a minimum setback distance of 2 m may be considered in some low-speed situations when flows are low, even if the front of some vehicles may protrude slightly into the carriageway, with drivers nosing into the road. Despite the Council's concerns, in light of the above low speeds and my observations on site, I am satisfied a 2 m set-back distance would be appropriate in this instance; there is no evidence to indicate this visibility splay in either direction cannot be achieved.

12. It's also significant that the dwelling, in the absence of off-road parking provision would most likely result in the appellant parking on the highway some distance from her property, endangering her, her family and other road users' safety as the multiple minor roads leading to the site are very restricted in terms of width/visibility. The provision of the access with off road parking would result in a meaningful public benefit for all. It is also worth noting that there is no evidence to suggest similar accesses along the road have resulted in any recorded accidents and based on site observations the volume of traffic along the road is likely to be very light. I also note that LPG14 states that if a dwelling has no vehicular access/off road parking space, a garden extension which would enable a significant road safety risk to be removed, may be permitted. The proposed access/off road parking, subject to conditional control, would reflect the broad thrust of this highway related safety advice.

13. On balance, I therefore find the that the effect on highway safety arising from the proposed development would be acceptable for the reasons given, and therefore compliant with policy GDP 1 of the adopted Wrexham Unitary Development Plan which seeks, amongst other things, highway safety and also to reflect guidance in LPG14.

Conditions

14. In terms of the Council's suggested conditions, I find them for the most part reasonable and necessary for the reasons provided. As correctly pointed out by the Council, bearing in mind the development has commenced in part, the normally applicable standard 5-year condition is not required. I amended the highway related condition to reflect the 2 m setback as previously discussed.

Conclusions

15. For the reasons given above and having regard to all matters raised, I conclude that the appeal be allowed.

16. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives.

Declan K Beggan

Inspector

Schedule of Conditions

1. The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, unless included within any provision of the conditions of this planning permission.

   - R131/004 - Amended Site and location plan
   - Ecological Impact Assessment ref: 1LA300924

   Reason: To ensure that the development is implemented in accord with the approved details.

2. The access shall be permanently removed, and the land shall be restored to its previous condition within 28 days of a failure to meet any one of the requirements set out in i) to iv) below:

   i) Within 12 weeks of the date of this decision, details of a scheme to deliver Net Biodiversity Benefit shall have been submitted for the written approval of the local planning authority. The scheme shall include for a scheme of hedge replacement;
   ii) If within 20 weeks of the date of this decision the local planning authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers
   iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Welsh Minsters
   iv) A scheme of Net Biodiversity Benefit has been implemented in accordance with the approved details during the first planting season and/or seeding season following the date of approval in writing by the Local Planning Authority or, in the event of ii) and iii) above, by the Welsh Ministers. Following the implementation of the scheme of Net Biodiversity Benefit, any soft landscaping removed or being severely damaged or becoming diseased shall be replaced by soft landscaping of the same species within the next available planting or seeding season.

   REASON: To ensure the development delivers net benefit to biodiversity in accordance with Planning Policy Wales Edition 12.

3. The use of the access hereby permitted shall permanently cease and the access shall be permanently closed up unless visibility splays of 2.0 metres x 25 metres in both directions measured to the nearside edge of the adjoining highway are provided within 12 weeks of this decision. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining highway. Following the provision of the visibility splays, they shall thereafter be permanently retained clear of any obstruction to visibility in excess of 1 metre in height above the level of the adjoining highway.

   REASON: In the interests of highway safety and ensuring compliance with Policy GDP1 of the Wrexham Unitary Development Plan.