Report of the Chief Officer Economy and Planning

Application Reference
P/2024/1077

Applicant
MRS VICTORIA SADOWSKA

Agent
MR PETER JACKSON

Site Address
BLAKEWOOD BARN OVERTON ROAD PENLEY WREXHAM LL13 0LY

Description of Development
ADEILAD FFRAM DUR AR GYFER STORIO A NEWID DEFNYDD O DIR I GWRTIL PRESWYL / STEEL FRAMED BUILDING FOR STORAGE AND CHANGE OF USE OF LAND TO RESIDENTIAL CURTILAGE

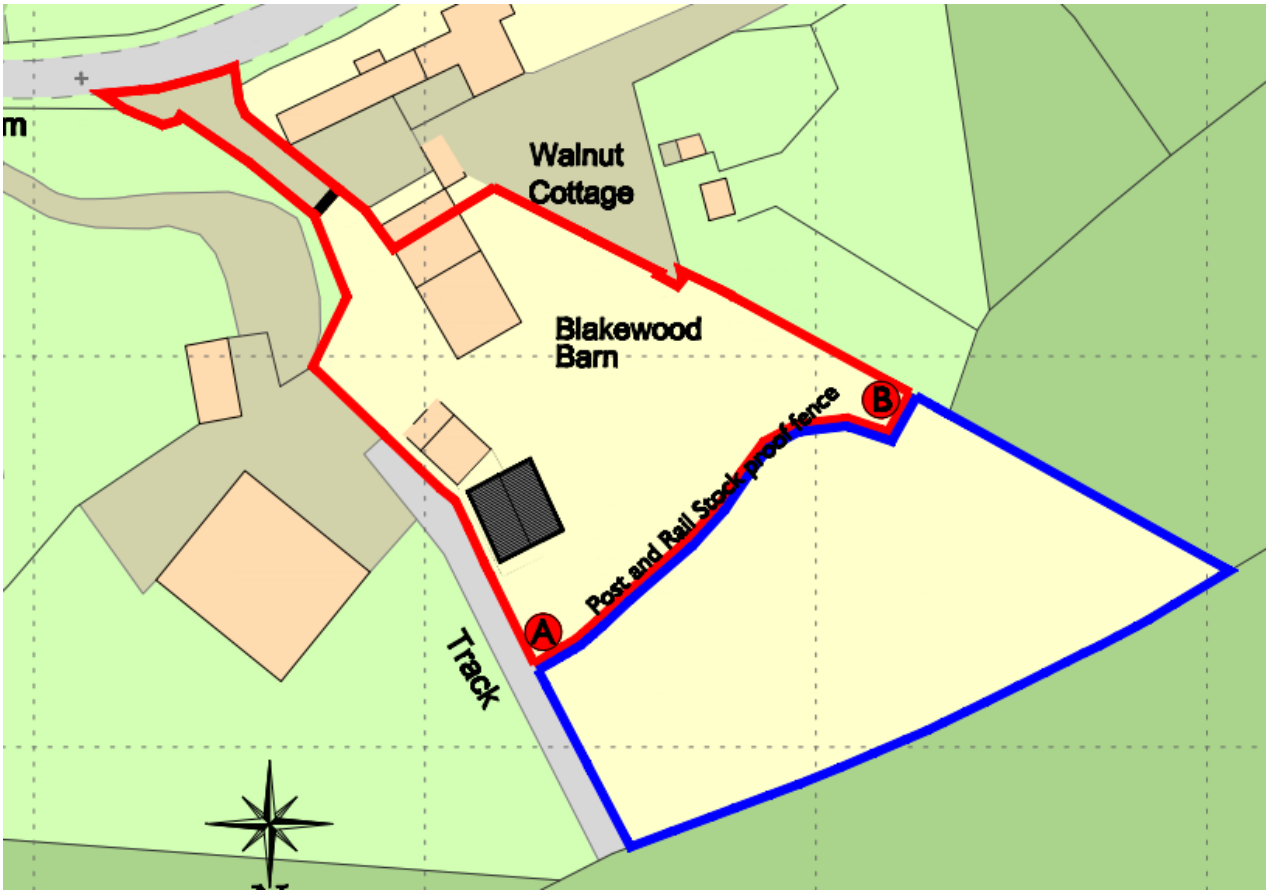
Ward
Overton/Overton (Historic);Overton and Maelor South/Owrtyn a De Maelor

Community
Maelor South/De Maelor

Recommendation
Grant

Officer Report

Site Description
The site is located within open countryside on the outskirts of the village of Overton on the Overton to Penley Road. Open fields adjoin the site to the east, and south and a farm track and agricultural buildings adjoin to the west. The dwelling itself, to the north, is adjoined by a dwelling which also formed part of the previous barn.



Proposal

The application initially sought planning permission for the erection of a steel frame agricultural shed measuring 9.144m by 18.288m, 5.715m to the ridge and 4.267 m to the eves . Amended plans have subsequently been submitted reducing the size of the proposed building to approx. 9.144m by 10m. The height remains the same. The application also proposes the change of use of land to residential curtilage. The building would partly lie within the lawful residential curtilage and partly on the proposed curtilage extension.

The proposed building would replace two existing container units (which do not benefit from planning permission) and external open storage area. The building would be used for a purpose ancillary to the use of the dwellinghouse, including for the storage of classic motorcars and motorcycles which are currently accommodated in the storage containers and for logs and machinery which are held in the open storage area. The building would also be used to store classic tractors, a boat, jetski and camper.

The extension to the residential curtilage would be enclosed by a timber post and rail fence to separate it from the field beyond. The posts would be 1.2m high separated by rails 1.8 in length. The extended residential curtilage would enclose the proposed building.

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Reason for Committee Determination
Objections from 4 individuals.

Site History
P/2006/1015 - Conversion of redundant farm building to 2 dwellings. Granted 02/04/2007

P/2012/0093 - Conversion of barn to dwelling and erection of detached garage. Granted 07/09/2012

P/2015/0316 - First floor extension to south elevation. Granted 05/10/2015

Development Plan
Outside a defined settlement limit and within a Special Landscape Area.

Policies SP2, SP14, DM1, NE1, NE5 and NE6 apply.
LPG13 - Housing in the Countryside.

Relevant National Policy
Future Wales
Planning Policy Wales Edition 12
TAN 5 Nature Conservation
TAN 12 Design

Consultation Responses
Community Council:
Raises no objection to the amended plans, subject to strict adherence to the stated residential use of the premises, ongoing confirmation from the Council's Highway Officer that the access splay is appropriate for residential use and confirmation from NRW that surface water drainage into the local watercourse remains compliant with environmental regulations.

Local Member:
Notified, no response received.

Natural Resources Wales:
No comments to make.

Dwr Cymru Welsh Water:
Raise no objections

Highway Officer:
Raises no objections on highway grounds on the basis that the proposed building is for domestic purposes only.

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Contaminated Land Officer:
No comments.

Public Protection Officer:
Recommend Advisory Notes regarding measures to limit the impact of construction work.

Ecology Officer:
Raises no objections.

Neighbours: 3 neighbours notified.

Support from 2 individuals as follows:

- The new structure will blend in with the background and hide some of the chicken shed at the rear and will replace the containers that are there now in use.
- It will not affect any of the nearby properties including my own or look out of place and I also believe it will be constructed to a very high standard.
- My property is situated approximately 500 meters from where the new construction is planned and it can only be viewed from the bottom of my garden, I do not think it can be viewed from any of the other surrounding properties because of the elevation.
- No problems with the plans - it will improve the view.

Objections from 3 separate individuals raising the following concerns:

- The proposed is not fitting for a residential property and is bigger than the dwelling house.
- The proposed is too close to our boundary and the application states the height is 4.2m but the total height is 5.7m, this is too large for the enjoyment of the dwelling house.
- The existing buildings are an eyesore to the area with the roof held down with timber and car batteries.
- This site is situated within a Special Landscape Area and I don't believe this application should be considered for approval.
- A shed of 162m2 that would be bigger that the house itself and is clearly not for domestic purposes.
- Impact upon neighbouring properties.
- Noise and Dust.
- Principle of development.
- No reason for this development. No need for further development or for a family home to require such a large storage facility if not running a business from there. The application states the proposed is for the "enjoyment of the dwelling house" the house already has a triple garage.
- The building will be used for commercial purposes for Axcess tree services to store machinery, vehicles and tools for the benefit of the forestry, woodlands and equipment hire business. The proposed will require the employment of staff for the business which is already ongoing.

- Currently there are 13 pieces of equipment, on the location where the shed is proposed to be build. One part of Blackwood barn is use for business, for Axcess Tree staff.
- Concern about excavation work and the siting of the existing storage containers.
- Blakewood barn failed to be compliant to his previous planning application that were granted. Sky lights and additional windows has been added to the house which was not part of the planning application. The conservatory. The size do not match the planning and has a flat roof which was not part of the planning application. The access to the property is not compliant to its planning application.
- The house flue use for the log burner do not meet building control requirement as it is too low and smoke gather around the neighbours property.
- The existing sheds where the proposed is for, is already used for the storage/workshops for the business and doesn't have planning permission either.
- Water runoff will be connected directly to the septic tank which then overflows into our ditch which then goes into the brook further down.
- The access to and from the site is unsuitable for use by the vehicles that will be needed to build the proposed and including the vehicles currently being used for the benefit of the business.
- All the applications that have been granted have not been complied with, the conversion, the conservatory which is larger and has a flat roof and also the garage.

Objection from 2 individuals raising the following to the amended plans:

- Despite being reduced, the amendments to the building, there is no justification. It is 90 square metres with a height that would allow a second floor and it will be used for business purposes.
- The existing triple garage has more than sufficient space to accommodate normal household needs.
- Concerned that the existing containers will be moved elsewhere within the site.
- Objections to previous proposal still stand.
- Queries whether development rights should be removed if owner has not complied with previous application.
- In relation to the change of use of the land - the trampoline is causing a nuisance and too close to the boundary with Hill Farm.

Background

The site previously formed part of a farm complex and farm yard area until the barns located to the north were converted into 2 separate dwellings. Although the boundary of the residential curtilage is clear on the previously approved plans, there is no definite physical boundary which separates it from the field beyond. The extension to the residential curtilage, which will be defined with a post and rail fence, to allow for the inclusion of the proposed building as a

structure ancillary to the main dwelling, will help to regularise this issue. It is understood that the applicant may have used the land as residential curtilage for some time. However there is insufficient evidence at the present time to conclude the use has occurred continuously for a period of 10 years in order to now be considered lawful.

The permissions for the conversion scheme were subject to a condition requiring the submission and implementation of a landscape scheme, to include the provision of boundary treatment details. Although the requirements of the conditions have not been met, enforcement action can no longer be taken, given that a period of 10 years has passed.

The proposed storage building is intended to replace two existing container units, which do not benefit from planning permission. The container units were originally meant to be located on a temporary basis whilst works were being carried out in connection with the barn conversion scheme. They would not have required planning permission to be on site for a temporary period when the conversion scheme was taking place. However, the conversion works are now complete and the dwelling occupied. The containers do not benefit from planning permission and no evidence has been advanced to suggest they have been on site long enough to now be considered lawful. The applicant has therefore been advised to remove them.

Principle of Development

The site lies outside of a defined settlement limit, where the principle of development is generally considered unacceptable by virtue of policy SP2 of the Wrexham Local Development Plan. The LDP does not have any specific policies regarding the erection of buildings for purposes ancillary to a dwelling or garden extensions.

Design

Proposed Building

The building would be of a simple design similar in appearance to an agricultural building.

When viewed in conjunction with the existing agricultural buildings that lie to the west and the fields that lie to the south, the building would not appear as an incongruent feature in the rural landscape and would not be highly visible from public vantage points. It would therefore not harm the character of the locality or harm the Special Landscape Area.

The building will only be less than 1.5 m higher than the existing garage and given the size of the plot and relationship to the existing dwelling will not be regarded as overbearing or over-dominant.

Extension to residential Curtilage

LPG13 advises that where a dwelling already has access to a substantial garden area, then a garden extension would will not normally permitted. However, it also advises that garden extensions are only likely to be permitted where the character and appearance of the rural landscape is not harmed.

The proposed garden extension would not represent a significant intrusion into the rural landscape nor would it harm the Special Landscape Area. Having regard to this and despite the lawful curtilage of the dwelling being of an appropriate size to provide an adequate private amenity space, there would be no valid grounds to refuse planning permission.

Having regard to the above, the proposed development would accord with policies DM1 and NE5.

Impact on Neighbouring Amenity

The nearest residential property is located immediately to the north of Blakewood Barn and given its position and orientation, the living conditions of the occupiers of this property would not be directly affected by the proposed outbuilding or extension to the residential curtilage. The proposed building would be located over 20m to the south with the application dwelling located immediately in-between and would not therefore result in any issues of overshadowing, overlooking, noise and not therefore cause any harm to residential amenity. Similarly, given that the proposed boundary treatment to define the residential curtilage will be located more than 30m away from the nearest dwelling, there would be no immediate impact upon residential amenity. The living conditions of the occupiers of the neighbouring property would not be harmed by the proposed outbuilding or extension to the residential curtilage.

In such terms, the proposed development accords with policy DM1.

Highway Considerations

The proposed development would not give rise to additional traffic as the unit is for personal/ancillary domestic rather than for business use. On this basis the Council's Highway Officer raises no objection. The issue regarding the building being used as potential business premises is dealt with below under 'Other Considerations'.

Having regard to the above, the proposed development accords with policy DM1.

Natural Environment

A Green Infrastructure Statement (GIS) has been submitted which demonstrates that there would be no impact upon existing green infrastructure or habitats surrounding the site. The GIS also sets out the provision measures to secure for Net Biodiversity Benefit. These include the installation of a 20m native hedge on the boundary to the rear of the proposed building, the installation of a house martin terrace on the Southern apex of the proposed building and the installation

of four small bird habitat boxes on land owned by the applicant. The implementation of these measures could be secured by a suitably worded condition.

Having regard to the above, the proposed development accords with paragraph 6.4.5 of PPW12.

Other Considerations

Concerns have been raised about non-compliance with previous planning decisions. This is not material to the consideration of this application and have been dealt with separately through the Enforcement process.

Although concerns have been raised about a business operating from the site, this application must be considered on the basis of the details presented. A suitably worded condition could be imposed to limit the use of the development to purposes ancillary to Blakewood Barn. Complaints regarding business uses operating from the site have been investigated by the Council's Enforcement Team. However, to date, the investigations have not identified evidence that a breach of planning control has in fact occurred.

Whilst it is acknowledged that the proposal is fairly large, it is noted that the applicant requires it to be of such a size to be able to store a variety of large personal items as set out above, which otherwise would be stored outside. Conditions will be attached requiring the complete removal of the existing storage area and containers from the site before works commence. In relation to the concerns raised about business usage, a condition will be attached stating that the building can only be use for domestic purposes ancillary to Blakewood Barn.

A concern expressed about a trampoline are not material to the consideration of this application. Provided this is sited on land lawfully part of the curtilage of the dwelling, this would not require planning permission. Noise nuisance would be matters for the Public Protection Team to consider under the provisions of the Environmental Protection Act.

Conclusion

The proposed development will not have a harmful impact upon the visual amenities of the area or of the Special Landscape Area, would not detrimentally affect the design and appearance of the dwelling or have any impact upon residential amenity. It therefore accords with the relevant LDP policies.

Conditions

1. The erection of the building hereby permitted shall be commenced before the expiry of five years from the date of this permission.

2. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):

- Amended Block Plan 2024 Blakewood Barn Sheet 1e dated 18.09.2024
- Amended Elevations Dwg No: 23-10572 Rev B Received on 23.09.2024

3. The development hereby permitted shall not be occupied until the measures to deliver net benefit for biodiversity (NBB) as set out in the Green Infrastructure Statement and Net Biodiversity Benefit Plan dated 18th June 2024, have been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

4. Within six months of the land being first used as part of the residential curtilage of the related dwelling currently known as Blakewood Barn, the post and rail fence that will form the new boundary between points A-B on the Amended Block Plan dated 19.09.2024 and the details received on 23.09.2024 shall be fully installed and thereafter permanently retained in accordance with these details. In the event that the fence becomes damaged or removed, it shall be replaced with a like for like alternative, unless otherwise agreed by the Local Planning Authority.

5. The building hereby approved shall only be used for ancillary purposes in connection with the related dwelling currently known as Blakewood Barn. It shall at no time be used for any business, commercial or trade purposes.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no further development shall take place within any part of the site under classes A-E of Schedule 2, Part 1, other than the development hereby permitted.

Reasons

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

3. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

4. To ensure clarity in relation to the location of the residential curtilage and in the interests of visual amenity in accordance with policies SP14 and DM1 of the Wrexham Local Development Plan.

5. To ensure that the building is not used in a manner prejudicial to or likely to cause nuisance to occupiers of nearby properties in accordance with policy DM1 of the Wrexham Local Development Plan. Due to the rural nature of the area and its location outside of settlement limits and within a Special Landscape Area, the use of a building for such purposes is contrary to local and national planning policy. Moreover, the nature and location of the vehicular access, is such that it is unlikely to support any vehicular movements associated with a business use of any kind.

6. Due to the rural location of the site outside settlement limits and within a Special Landscape Area, it is considered important to ensure that no additional development is carried out without the permission of the Local Planning Authority in accordance with policies SP14 and DM1 of the Wrexham Local Development Plan.