



Planning Application

Supporting Statement

Retrospective Planning Applications for:

- the upgrading and restoration of a farm track; and
- the upgrading and restoration of a farm track and earthworks to level an area of land to facilitate its use for agriculture

Berthengron Farm, Berthengron, Sontley, Wrexham

January 2024



BERRYS

T: 01743 271697 | E: shrewsbury@berrys.uk.com | berrys.uk.com

APPLICANTS DETAILS

Berthengron Farm,
Berthengron,
Sontley,
Wrexham
LL13 0UU

ISSUED BY

Mike Lloyd
BA (Hons) DipTP MRTPI
Senior Planning Consultant

APPROVED BY

Stuart Thomas
BA (Hons) MA MRTPI
Head of Planning

PROJECT

Retrospective Planning Applications for the upgrading and restoration of a farm track and the upgrading and restoration of a farm track and earthworks to level an area of land to facilitate its use for agriculture, at Berthengron Farm, Berthengron, Sontley, Wrexham.

BERRYS

Beech House
Anchorage Avenue
Shrewsbury Business Park
Shrewsbury
Shropshire
SY2 6FG
01743 271697
berrys.uk.com

BERRYS

T: 01743 271697 | E: shrewsbury@berrys.uk.com | berrys.uk.com

Contents

1.	Introduction.....	4
2.	The Site and Surrounds.....	5
3.	The Works Undertaken.....	7
4.	Planning Policy & Appraisal.....	10
5.	Conclusion.....	12

Appendices:

Appendix A: Photo of old field gateway

Appendix B: Signed/witnessed map of farm track and access gateways

Appendix C: Correspondence from local residents

Appendix D: Lot details from extract of sales particulars

Appendix E: Spunhill Ltd Spray Plan

Appendix F: Photos of couch/scrub area

1. Introduction

- 1.1 This document provides supporting information in respect of retrospective planning applications for:
- the upgrading and restoration of a farm track; and
 - the upgrading and restoration of a farm track and earthworks to level an area of land to facilitate its use for agriculture at Berthengron Farm, Berthengron, Sontley.

- 1.2 This statement should be read in conjunction with the other documents which have been submitted as part of these full planning application submissions, these include:

For the upgrading and restoration of a farm track application -

- Site Location Plan (Ref: SA49877-BRY-ST-PL-A-03)
- Block Plan (Ref: SA49877-BRY-ST-PL-A-03)
- Application form

For the upgrading and restoration of a farm track and earthworks to level an area of land to facilitate its use for agriculture application -

- Site Location Plan (Ref: SA49877-BRY-ST-PL-A-03)
- Block Plan (Ref: SA49877-BRY-ST-PL-A-03)
- Application form

- 1.3 The information contained in this document is intended to provide the background to, and explanation of, the works undertaken and assist the Planning Authority in the determination of the applications.

Background to the Development

- 1.3 Berthengron Farm has been in the ownership of the Applicant's family since 1996. In early 2022 the applicant purchased adjoining land (at Stryt yr Hwch) and undertook works to farm tracks and an area of the newly purchased land to ensure more efficient working practices and reduce the use of the surrounding highway network by agricultural machinery and livestock.

2. The Site and Surrounds

- 2.1 This section explains the nature of the application sites and the surrounding environment. It also sets the context for demonstrating that the development is suitable in this location.
- 2.2 The development sites lie to the east of the farmyard of Berthengron Farm, Sontley, south of the City of Wrexham, in the northeast of Wales. The locations of the sites are identified in Figure 1.

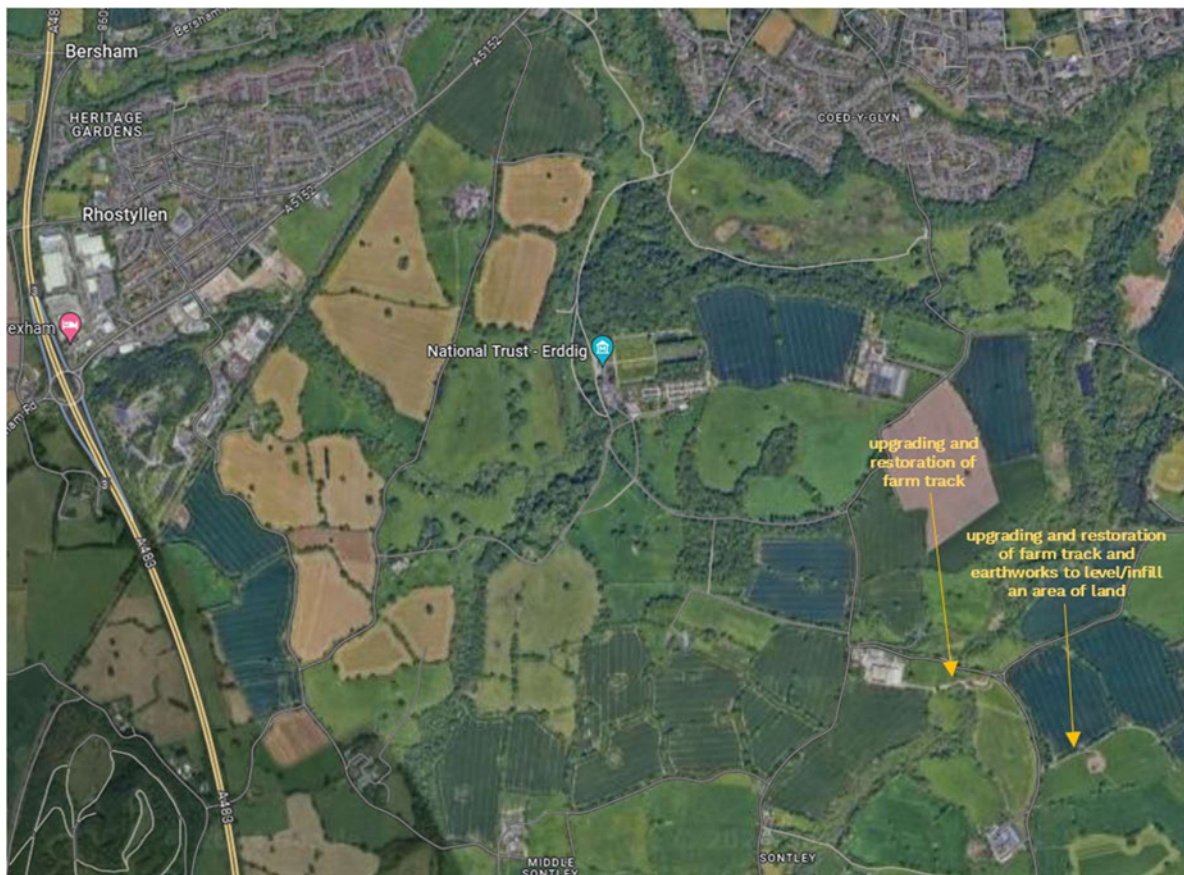


Fig. 1: Extract of Google Aerial Imagery with site locations identified.

- 2.3 The surrounding landscape is predominantly rural, consisting mainly of agricultural holdings and a scattering of residential properties. The topography of the land immediately surrounding the sites, together with existing vegetation, including mature trees, ensures that the works do not have an unacceptable adverse impact upon, the local landscape.

- 2.4 The farm tracks subject of these applications utilise existing access points off a 'c' road which is characterised by mature hedgerows. These hedgerows provide a further degree of screening for the works.

3. The Works Undertaken

Overview

- 3.1 As previously detailed, when the applicant purchased additional land adjoining Berthengron Farm, he undertook works to farm tracks and an area of the newly purchased land to ensure more efficient working practices and to reduce the use of the surrounding highway network by agricultural vehicles.
- 3.2 The applicant undertook this work in the belief that it did not require planning permission as the works were to existing and historic farm tracks and access points and that the levelling earthworks amounted to no more than standard agricultural practices when improving an area of scrubland for agricultural use. Nonetheless, the applicant received a letter (ref. ENF/2023/0309) from Ms Jo Last, Planning Enforcement Officer at Wrexham Council, over the works undertaken which requested that planning applications should be submitted for these works.

Application to upgrade and restore a farm track

- 3.3 The application to upgrade and restore a farm track relates to the upgrading and restoration of a section of an old farm track that ran between Berthengron Farm and Stryt yr Hwch Farm. The section of track subject of this application runs from the south-eastern corner of Berthengron Farm farmstead, across an existing culvert over the Gefelïau Brook, to an existing gateway onto the minor road close to the junction at Reynold's Grave. It also includes a spur off it that leads southwards along a field boundary towards Stryt yr Hwch Farm.
- 3.4 The works undertaken include levelling, alignment and surfacing of the track in granular material to ensure that it can accommodate modern agricultural machinery. In particular, works were required towards the eastern end of the track (near its junction onto the minor road) to ensure that large agricultural machinery can enter and egress through the existing gateway at an appropriate level and alignment.
- 3.5 The access point onto the minor road is in the position of an old gateway that was probably last used in January 1996, prior to Berthengron Farm being split from Stryt yr Hwch Farm and sold to the applicant's family. The applicant retained the old wooden gateway but has installed a more secure gate behind it to prevent unwanted access.

- 3.6 Similarly, this farm track utilises an existing culvert over the Gefeiliau Brook. During the upgrading of the access track the applicant received a visit from Mr Callum Brannan of Natural Resources Wales, who had been informed of the works being undertaken. Mr Brannan advised the applicant that he had no issues with the work being undertaken and would be writing a report to that effect.
- 3.7 Additional information provided by the applicant in support of this application, indicating that the farm track and highway access existed long before the applicant undertook recent works, includes:
- A photo of a tractor sowing seed on land immediately adjacent to the old gate which can be seen within the hedgerow in the background (attached as Appendix A)
 - Copy of a map showing part of the farm track and access gateways onto the minor road signed and witnessed by parties involved in the sale/purchase of this land and recorded as a true record (attached as Appendix B)
 - Letters from local residents Mr B.H. & Mrs E.M. Jones, Mr M. Rowlands and Mrs C Williams detailing the historic use of the farm track (attached as Appendix C)
- 3.8 As detailed within section 2 of this statement, the works undertaken are inconspicuous given the nature of the surrounding landscape (including surrounding land use, topography and vegetation).
- 3.9 Given the above, it is considered evident that the work undertaken has not given rise to any unacceptable adverse impacts. It has, however, provided significant benefits, including those associated with the efficient operation of the farm, highway safety by removing agricultural machinery and livestock from the minor road and the residential amenity of dwellings located along the minor road (see correspondence provided at Appendix C).

Application to upgrade and restore a farm track and earthworks to level an area of land to facilitate its use for agriculture

- 3.10 The application to upgrade and restore a farm track and earthworks to level an area of land relates to a section of farm track and an area of land that formed part of the Stryt yr Hwch land holding purchased by the applicant in early 2022.
- 3.11 The works undertaken include the resurfacing of this section of track in granular material to ensure that it can accommodate modern agricultural

machinery and the levelling of an area of scrubland to facilitate its use for agricultural purposes.

- 3.12 It is the applicant's understanding that the farm track was initially provided by British Gas in the 1980s and has been in existence for a number of years. When the applicant purchased the Stryt yr Hwch land in 2022 he undertook to resurface the track to ensure that it could accommodate modern agricultural machinery. No changes to the access onto the minor road have been made.
- 3.13 The levelling earthworks relate to an area of land immediately to the south of the farm track and the works undertaken by the applicant comprised of the spraying, levelling and cultivating of an area of couch grass and scrub in Spring 2023, before wheat was planted on the entire field in October 2023. Correspondence received from the Planning Enforcement Officer (Jo Last) refers to a pond on this area of land and it is acknowledged that it is noted as such on historic mapping. However, the applicant has confirmed that when he purchased the land in early 2022 the area in question was only an area of dry unmanaged scrub which was within an area fenced off for clay pigeon events. The sales particulars made no reference to a pond in this area (Lot 2 of the sales particulars – extract attached as Appendix D) and additional information provided by the applicant in support of this application, indicating that there was not a pond located on this area of land, includes:
- Spray Report Plan, Spunhill Ltd (attached as Appendix E)
 - Photos of the couch/scrub area prior to the applicant's work (attached as Appendix F)
 - Letters from local residents Mr B.H. & Mrs E.M. Jones and Mr M. Rowlands (attached as Appendix C)
- 3.14 As detailed within section 2 of this statement, the works undertaken are inconspicuous given the nature of the surrounding landscape (including surrounding land use, topography and vegetation).
- 3.15 Given the above, it is considered evident that the work undertaken to upgrade and restore the existing farm track and the minor earthworks to facilitate the use of an area of land for agricultural purposes have not given rise to any unacceptable adverse impacts. They have, however, provided significant benefits, including those associated with the efficient operation of the farm and the need to make best use of agricultural land.

4. Planning Policy & Appraisal

National Planning Policy

- 4.1 Planning Policy Wales Edition 11 was adopted in February 2021 and is the key national land use planning policy document for Wales. Planning Policy Wales is supplemented by Technical Advice Notes, including Technical Advice Note 6: Planning for Sustainable Rural Communities (TAN 6) which was published in July 2010.
- 4.2 Planning Policy Wales (PPW) sets out the Welsh Government's land use planning policies with the aim to translate the Government's commitment to sustainable development within the planning system. This is highlighted at Chapter 1 which sets out the view that, "the planning system provides for a presumption in favour of sustainable development", this should be considered during plan-making and decision-taking.
- 4.3 At paragraph 5.6.8 of PPW the Government outlines its support for the agricultural industry stating that "Planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation."
- 4.4 TAN6 also identifies that the Welsh Assembly Government's objective is a sustainable and profitable future for farming families and businesses (paragraph 6.1.1). TAN6 also identifies that permitted development rights are granted for a range of agricultural operations including excavations and engineering operations on agricultural units of at least 5 hectares under Class A of the GPDO although in certain cases these cannot be exercised unless the farmer has applied to the planning authority for a determination as to whether prior approval will be required.

Local Planning Policy

- 4.5 On 20th December 2023 Wrexham County Borough Council adopted the Wrexham Local Development Plan 2 (LDP2). Given the nature of the works, that the LDP2 proposals map identifies that the works lie within open countryside and the LDP2 constraints map identifies that the works are relatively unconstrained, there are limited LDP2 policies of relevance.

- 4.6 The LDP2 policy of greatest relevance is policy DM1 'Development Management Considerations' which includes criteria that seeks to ensure new development:
- Accords with or enhances the character, local distinctiveness and appearance of the site, existing building(s) and surrounding landscape/townscape in terms of their siting, layout, scale, height, design, density, use of materials and landscaping;
 - Does not have an unacceptable effect on the amenity of the occupiers of nearby properties/land; and provides a satisfactory standard of amenity for the occupiers/users of the development itself;
 - Safeguards the environment from the adverse effects of pollution of water, land, noise, light or air, or land instability, arising from development;
 - Takes account of personal and community safety and security in their design and layout; and
 - Does not give rise to highway safety, pedestrian safety or parking problems on site or in the locality.

Appraisal

- 4.7 As detailed in this statement, the works to the farm tracks have been undertaken to ensure that livestock and modern large heavy agricultural machinery are kept off the narrow and windy minor road in this area as far as practicable. There are a number of benefits arising from this work, including benefits to the welfare of the livestock, increasing farm efficiency, enabling the use of more modern agricultural machinery, improving the amenity and environment of residential properties in the local area (as evidenced by the correspondence at Appendix C) and improving highway and pedestrian safety on the minor road. The works to level an area of farm land also give rise to benefits including increasing farm efficiency and making the best use of agricultural land.
- 4.8 The appropriateness of undertaking such works is exemplified by the fact that permitted development rights are granted for similar operations on agricultural units of 5 hectares and over.
- 4.9 Given the above, it is considered evident that the works subject of these retrospective planning applications aligns directly with the aims and objectives of both national and local planning policy frameworks.

5. Conclusion

5.1 This statement relates to retrospective planning applications at Berthengron Farm for:

- the upgrading and restoration of a farm track; and
- the upgrading and restoration of a farm track and earthworks to level an area of land to facilitate its use for agriculture.

These works were undertaken by the applicant to ensure more efficient farm working practices and reduce the use of the surrounding highway network by agricultural machinery and livestock. They were undertaken in the belief that planning consent was not required for the works. However, applications are being submitted following a request received from the Council's planning section.

5.2 As this statement seeks to demonstrate, the works undertaken have provided significant benefits including those relating to:

- the welfare of the livestock;
- farm efficiency;
- changing farming practices / the use of more modern agricultural machinery;
- the amenity and environment of residential properties in the local area;
- highway and pedestrian safety; and
- making best use of agricultural land.

No unacceptable adverse impacts have been identified as arising from the works undertaken.

5.3 Given the above, it is considered that the works directly align with the aims and objectives of both national and local planning policy frameworks and it is therefore respectfully requested that the planning applications subject of this statement are approved.

