

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78
APPEAL AT THE BARN, HIGHER BERSE HALL, HIGHER BERSE
ROAD, SOUTHSEA, WREXHAM.**

COUNCILS STATEMENT OF CASE

**PLANNING REF: P/2020/0895
PEDW REF: CAS – 01544 – H0F1X1**

THE SITE

- 1.0 The Appeal site is located on land at The Barn, Higher Berse, Higher Berse Road, Southsea, Wrexham, LL11 6PW.

2.0 PROPOSAL

- 2.1 P/2020/0895 - Portal building to store agricultural equipment and plant (in retrospect).
- 2.2 Planning permission was refused on 01.06.2021 for the following reasons:

2.2.1 By virtue of its scale, design and prominent sitting in the countryside, the development has a materially detrimental impact upon the rural landscape and the proposed intensity of use would be detrimental to the occupiers of the nearby residential properties by virtue of noise, disturbance and odours etc. The development does not form part of an existing farm complex and no exceptional circumstances or essential agricultural need have been shown to justify the siting of an isolated farm building in this location and the development therefore conflicts with Policies GDP1 (a) and (f), EC3 and PS2 of the Wrexham Unitary Development Plan and the advice contained within TAN 6, paragraph 6.6.3.

2.2.2 In the absence of the submission of any supporting ecological assessment report, it is not possible to determine if the proposed development is to the detriment of species or habitats of local or national importance. The proposal is therefore contrary to Policy PS3, GDP1 (h) and EC6 of the Wrexham Unitary Development Plan, Chapter 6, 6.4 of Planning Policy Wales (Edition 11) and the guidance contained within Technical Advice Note (TAN) 5 - Nature Conservation and Planning.

3.0 PLANNING HISTORY

3.1

P/2007/0565	Conversion of existing disused milking parlour/barn to residence, associated external works including provision of garaging within part of existing coach house – Granted 25.06.2007
P/2013/0605	Conversion of outbuildings to provide two residential dwellings – Granted 13.12.2013
P/2016/0408	Erection of portal framed building for livestock and storage of plant and machinery - Withdrawn on 07.10.2016

P/2016/0409	Demolition of existing steel agricultural shed and erection of double garage and car port building with staircase to first floor - Granted on 17.06.2016
P/2019/0784	Erection of portal framed building to store agricultural equipment and plant – Refused 17.01.2020
P/2019/0785	Application for non-material amendments to planning permission p/2016/0409 to change design and external appearance – Refused 20.11.2019
P/2020/0895	Portal building to store agricultural equipment and plant (in retrospect) – Refused 01.06.2021
P/2020/0897	Non-material amendment to planning permission p/2016/0409 - change of materials and external appearance – Refused 17.02.2021

4.0 LOCAL AND NATIONAL PLANNING CONTEXT

- 4.1 Planning Policy Wales (PPW) Edition 11.
- 4.2 The site lies outside of a settlement limit, as defined in the current development plan for the area, which is the Wrexham Unitary Development Plan (UDP) 2005. Policies PS1, PS2, PS3, PS4, GDP1 (a, f and h), EC3 and EC6 of the Wrexham UDP are relevant. PPW Chapter 6, TAN 5 and TAN 6 are also relevant. Copies of the relevant UDP policies are contained within the submitted questionnaire bundle.

5.0 COUNCIL'S STATEMENT OF CASE

- 5.1 In 2007, planning permission was granted for the conversion of the redundant milking parlour into a residential dwelling. This permission was implemented and the property is now known as 'The Barn', and is the Appeal site address.
- 5.2 In 2013 (P/2013/0605) planning permission was given to convert the last of the redundant traditional outbuildings into 2 further dwellings. This permission has been fully implemented, and there are now 4 dwellings in total at the former Higher Berse farm (including the former Farmhouse).
- 5.3 In 2016 (P/2016/0408), planning permission was granted to demolish the last of the remaining redundant agricultural buildings. This building was within the curtilage of 'The Barn', adjoining the Appeal site. As part of the same application, planning permission was also granted for the erection of a replacement double garage and carport building, to be used for domestic purposes in connection with 'The Barn'. A building of this size would not normally have been permitted in association with a converted building however, based upon the removal of the large,

redundant shed, the view was taken at that time that the development was justifiable as being an improvement upon the visual and residential amenities of the locality.

5.4 Also in 2016 (P/2016/0409), planning permission was sort for the erection of portal framed building for livestock and storage of plant and machinery on land adjacent to 'The Barn'. This application was subsequently withdrawn on 07.10.2016.

5.5 Planning permission was sought in 2019 (P/2019/0794), again for the erection of a large shed, for agricultural and plant storage purposes, akin to the redundant building which was removed to allow the garage and carport, approved in the 2016 permission, to be implemented. Despite several requests made by this Council, no additional information was provided with regard to the nature of the agricultural equipment and plant to be stored, or the exceptional need for this isolated agricultural building etc. which was considered by the appellant to be redundant just 3 years prior. Planning permission was subsequently refused, given that there is no longer a working farm / agricultural unit in the immediate locality, to the Council's knowledge, and no information submitted within the application to the contrary.

5.6 In 2020, planning permission was again sought (P/2020/0895), this time in retrospect, for the erection of a large shed, for agricultural and plant storage akin to that which was removed to allow the 2016 permission to be implemented. Again, despite requests by the Council, no supporting information was provided with the application, and planning permission was again refused. It is this most recent decision that is the subject of this Appeal.

5.7 UDP Policy EC3 states that isolated agricultural buildings will only be permitted in exceptional circumstances where there is an essential agricultural need and there is no reasonable alternative location for the development. As part of the application process, the Appellant was asked to provide confirmation of the following information to demonstrate the need for the proposed agricultural building, and also that there were no alternative locations etc.

- Where is the farm to which this agricultural building is associated?
- What is the nature of the farming activity?
- What is the agricultural purpose and need for the proposed building?
- What is the applicant's primary source of income?
- copy of the agricultural holding certification, including land ownership and tenancy;
- a plan showing an aerial view of the application site and the farm to which this application relates so that an assessment of the relationship between each holding can be made.

- 5.8 The proposed building is in relatively close proximity to the neighbouring properties. TAN 6 advises at 6.6.3 that incompatible uses such as agricultural buildings and domestic properties should be avoided and careful consideration should be given to these kinds of developments. Impacts of the new agricultural building is a material consideration upon the residential amenity of neighbouring occupiers by virtue of noise, disturbance and odours, as well as upon the character and appearance of the dwelling. No assessment of this impacts is made with the application submission.
- 5.9 In the absence of the information required at points 5.7 and 5.8 above, permission was refused for the following reason:
- 5.9.1 By virtue of its scale, design and prominent sitting in the countryside, the development has a materially detrimental impact upon the rural landscape and the proposed intensity of use would be detrimental to the occupiers of the nearby residential properties by virtue of noise, disturbance and odours etc. The development does not form part of an existing farm complex and no exceptional circumstances or essential agricultural need have been shown to justify the siting of an isolated farm building in this location and the development therefore conflicts with Policies GDP1 (a) and (f), EC3 and PS2 of the Wrexham Unitary Development Plan and the advice contained within TAN 6, paragraph 6.6.3
- 5.10 In addition to concerns relating to the impact of the development upon visual and residential amenity, an ecological report has not been submitted with this application to allow any such evaluation of the development. It has not been possible to determine if the proposed development is to the detriment of species or habitats of local or national importance. The scheme could have implications for the integrity of the River Dee and Bala Lake SAC through the discharge of waste water adding phosphorus into the River Dee Special Area of Conservation (SAC). The appeal documents do not consider how any phosphorous generated by the proposal could be fully mitigated, and the proposal is therefore contrary to Policy PS3, GDP1(h) and EC6 of the Wrexham Unitary Development Plan, Chapter 6, 6.4 of Planning Policy Wales (Edition 11), and the guidance contained within Technical Advice Note (TAN) 5 - Nature Conservation and Planning.

6.0 CONCLUSION

- 6.1 The appellant has submitted no information, as part of the Grounds of Appeal, in respect of exceptional circumstances and alternative locations for the building, or residential and visual impact assessments, or assessment of the harm to existing habitats, or the integrity of the River Dee and Bala Lake SAC through the discharge of waste water adding phosphorus into the River Dee Special Area of Conservation (SAC).

- 6.3 For the reasons set out above, the Council is of the opinion that the proposed development cannot be justified for this location and the Inspector is therefore respectfully requested to dismiss the Appeal. Should the Appeal be allowed, imposition of the following planning conditions is suggested:

6.3.1 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without amendment), no part of the building shall be used except for the purposes of storage of agricultural equipment for maintaining the land immediately adjoining 'The Barn'.

Reason - To ensure that the use of the development is acceptable in principle in accordance with Policies PS1 and EC3 of the Wrexham Unitary Development Plan.

6.3.2 No storage shall take place in the open on any part of the site.

Reason - To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

6.3.3 No use of the development shall be made before 0800 hours or after 1800 hours on any weekday, before 0900 hours or after 1400 on a Saturday, and at no time on a Sunday or Bank Holiday.

Reason - To ensure that the building is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

6.3.4 Within one month of the date of this decision, a scheme of Net Biodiversity Benefit (NBB) shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason – To improve the biodiversity value of the site and sure that the development has a positive ecological impact in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.