

LAND SOUTH OF TOP FARM
ERBISTOCK
WREXHAM
LL13 0DG

PROPOSED AGRICUTURAL STORAGE BUILDING

PLANNING STATEMENT

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1 INTRODUCTION

1.1 This Planning Statement seeks to explain and justify the application by Harmin Agriculture Ltd that is made under Class A to Part 6 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) for prior notification for the carrying out of works for the erection of an agricultural storage building and associated operations, and prior approval under condition A.2(2)(i) for the proposed building's siting, design and external appearance.

1.2 The application follows a previous application for prior notification and approval that was made by DPA Ltd on 6 March 2023 but subsequently withdrawn under reference P/2013/0119 due to concerns by the case officer over the building's location and impact on its surroundings. The current application involves a revised proposal that seeks to address and overcome those concerns.

1.3 In addition to this statement, the revised application is supported by the following drawings (prepared by DPA) and specialist documents:

- Site location plan (site edged red)
- Block plan as existing/topographical survey
- Sections as existing
- Proposed block/site layout plan
- Elevations as proposed
- Sections as proposed
- Ground floor plan and roof plan
- Arboricultural report (with tree constraint and protection plans), prepared by Old Oak Tree Care
- Preliminary ecological assessment prepared by Greenscape Environmental Ltd.

2 SITE AND SURROUNDING AREA (INCLUDING RELEVANT PLANNING HISTORY)

- 2.1 The application site measures c0.55ha and forms part of an essentially linear shaped agricultural holding (registration number 56/059/0012) that measures 9.65ha, which was acquired by the applicant in 2022. It has been farmed for wheat and silage, with some sheep grazing at certain times of the year.
- 2.2 The holding adjoins a narrow country lane that runs from the A539 to Erbistock village and the river Dee, which forms the land's northwestern boundary, with an extensive belt of mature woodland lying immediately to the south and east.
- 2.3 There are a number of field gates/accesses into the land, including one that has been recently formed off an unclassified side lane (no through road) that runs southwards from the main lane to provide access to Plas Pen Y Bryn and another dwelling.
- 2.4 The land previously formed part of Top Farm, which includes a large complex of buildings that stands on substantially higher ground to the north. The holding includes a former agricultural building that has collapsed and is now in pieces.
- 2.5 The holding slopes down generally from west to east, and rises slightly from north to south before falling, with the land being elevated a little at its eastern end above adjoining road levels. Here, where the proposed building would be sited, its boundaries are defined by a mix of post-and-rail fencing, low hedgerows and trees.
- 2.6 With the exception of the previous application for prior notification and approval noted in the introduction, there is no relevant recent planning history in respect of the land.

3 RELEVANT PLANNING POLICY AND ADVICE

National planning policy and advice

- 3.1 Current national planning policy is set out in *Planning Policy Wales* (PPW) Edition 11 (February 2021), which is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters. Among other things, PPW explains at paragraph 5.6.8 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...”*
- 3.2 While TAN 6 *Planning for Sustainable Rural Communities* (July 2010) at section 3.3 deals specifically with agricultural buildings, this advice relates solely to the re-use or replacement of existing buildings. However, Section 6 of the note deals with sustainable agriculture, including advising on permitted development rights for a range of agricultural buildings, with the determination procedure under parts 6 and 7 of Schedule 2 to The Town and Country Planning (General Permitted Development) Order 1995 being explained at Annex A of the note.
- 3.3 Annex A states at paragraph A4 that:
- “Provided all the GPDO requirements are met, the principle of whether the development should be permitted is not for consideration. Only in cases where the authority considers that a specific proposal is likely to have a significant impact on its surroundings would the Welsh Assembly Government consider it necessary for the authority to require the formal submission of details for approval. By no means all the development proposals notified to authorities under the GPDO will have such an impact”.*
- 3.4 Annex A goes on to detail the scope of controls when details are submitted for approval under the terms of the GPDO, where *“the objective should be to consider the effect of the development upon the landscape in terms of visual amenity, as well as the desirability of preserving ancient monuments and their settings, archaeological sites, listed buildings and their settings,*

and sites of recognised nature conservation value. Details should be regarded in much the same light as applications for approval of reserved matters following the grant of outline planning permission. In operating these controls, planning authorities should always have full regard to the operational needs of the agricultural and forestry industries and to the need to avoid imposing any unnecessary or excessively costly requirements”.

3.5 Paragraph A10 says that planning authorities may concern themselves with:

- *“the siting, design and external appearance of a proposed new agricultural or forestry building and its relationship to its surroundings;*
- *the siting and means of construction of roads;*
- *the siting of those excavations or waste deposits which individually or collectively exceed 0.5 hectare within the unit; and*
- *the siting and appearance of fish tanks (cages)”.*

3.6 Paragraphs A14 – A23 set out relevant advice for farmers and developers on design, appearance and siting, which include:

- *“Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost.*
- *The siting of new agricultural or forestry buildings adjacent (but not too close) to existing woods may help to assimilate them into the landscape.*
- *The choice of design and materials, and the relationships of texture and colour to existing development, local traditions, and the landscape, can be important considerations for both agricultural/forestry buildings and roads.*

- *The colours chosen should be compatible with the rural setting, not to camouflage the building but to allow it to relate to existing buildings. Careful choice of colour reduces the apparent scale of a large agricultural building...*
- *The scale, form and siting of new agricultural buildings are usually influenced by the operational needs of the enterprise, the standardisation of modern agricultural buildings and economic considerations. However it should be possible to reconcile proposals for development with the need to conserve and wherever possible enhance the landscape”.*

[NB emphasis added].

3.7 I explain how the proposed development would comply with the guidance in Annex A to TAN 6 later in my statement.

Development plan policy

3.8 The current development plan comprises the Wrexham Unitary Development Plan (UDP) 1996 – 2011, which was adopted in February, 2005. While many of its provisions are now time-expired and the Council is currently preparing a replacement plan to deal with the period from 2013 to 2028, it remains the operative plan for the purposes of development management.

3.9 Class A to Part 6 of Schedule 2 of the GPDO establishes that the proposal is permitted development. Since the Order grants planning permission for specified classes of development, there is no requirement to have regard to the development plan as there would be for other development requiring an express grant of planning permission from the local planning authority.

3.10 Nevertheless, insofar as it is relevant to an application for prior approval under the GPDO, UDP Policy EC3 states that: *“The construction of new agricultural buildings will be permitted unless the development is materially detrimental in terms of its impact on the environment or surrounding landscape.* *The development should form part of an existing farm complex and take advantage of topography and other landscape features for screening. Isolated buildings will only be permitted in exceptional*

circumstances where there is an essential agricultural need, and no reasonable alternative location for the development". [My emphasis]

- 3.11 On the UDP Proposals Map, it would appear that the application site falls within a Special Landscape Area, within which Policy EC5 seeks to strictly control development, with the explicit exception of certain specified types of development, including for agriculture. However, the site does not appear to lie within or close to any Conservation Area, the setting to any listed building or ancient monument, or within any area recognised for its nature conservation significance.

Supplementary planning guidance

- 3.12 The Council does not appear to have adopted any local planning guidance notes on agricultural development.

4 APPLICATION PROPOSAL

- 4.1 The proposed development involves the construction of a fully enclosed agricultural storage building that would measure around c33m long by c14m wide (thus having a 462m² footprint). It would be covered by a dual pitched roof that would be 6m high at its ridge and 4m high at its eaves.
- 4.2 The new building would be located close to the agricultural unit's south-eastern corner and next to the boundary with the narrow unclassified side lane that leads to Plas Pen Y Bryn, from which it would take its vehicular access via an existing gated entrance. Unlike the previous withdrawn proposal, it would be rotated through 90 degrees such that it would be orientated on a generally north/south axis, with its roller shutter door on the building's north elevation, facing the main lane.
- 4.3 Taking advantage of the site's topography, in order to mitigate the development's visual impact it would be set into the sloping ground such that at its lowest point, the base of the building at its southwestern corner would be around 2m below the existing ground level. Excavated soil would be retained on site and used to fill dips within the holding.
- 4.4 The proposed building would be of a scale and conventional modern day design and appearance that reflect its intended function and operational requirements. Its walls would be formed of vented anthracite grey cladding sheets above concrete panels, with the roof comprising fibre cement Eternit roof sheets in a natural colour, with rooflights inserted into around 10% of the roof area.
- 4.5 The access and hardstanding would be formed of concrete, with crushed stone around the perimeter of the proposed building.
- 4.6 No existing trees would be affected and additional specimen planting is proposed close to the building's western elevation.
- 4.7 As previously noted, the new building would be used for the secure storage of vehicles and machinery/equipment necessary for the farming of the

holding, including tractors, a plough, seeder and wheat storage bunker. The building would not be used for housing livestock.

- 4.8 It is important to understand that the applicant company owns another small (c1.6ha) parcel of farmland nearby (around 400m from the application site) and that the application proposal is a crucial requirement for its start-up organic farming business, growing ancient grain wheat. The applicant is proposing to acquire additional farmland nearby and the building would serve as a hub for the newly established and expanding agricultural enterprise.

5 MAIN ISSUES AND LEGISLATIVE AND PLANNING POLICY COMPLIANCE

Principle

- 5.1 As explained in Annex A of TAN 6 and as planning officers will know, essentially the determination/approval procedure under the GPDO involves two-stage process: 1) is the proposed development capable of benefiting from the planning permission granted by the Order so the principle of whether the development should be permitted is not for consideration; and, if so, where it is considered that it would be likely to have a significant impact on its surroundings: 2) are the details of the development's siting, design and external appearance acceptable?
- 5.2 With regard to the first issue, which arises from the determination application, it appears that in requesting details of the previous proposal's siting, design and appearance planning officers have already accepted that the building is capable of benefiting from the permission granted under Class A to Part 6 of Schedule 2 of the GPDO.
- 5.3 This is unsurprising given that the proposal relates to a development on an agricultural unit of 5ha or more and that it is reasonably necessary for the purposes of agriculture within the unit, there currently being no other building on the unit available to store the machinery and equipment necessary to farm the holding.
- 5.4 That being the case, the Council cannot question the principle of a new building on the land. The issue now is whether the details of the building's siting, design and external appearance (what TAN 6, Annex A likens to reserved matters following the grant of an outline permission) would be acceptable.

Visual impact

- 5.5 Although concerns have been expressed about the building occupying an isolated location, there is nowhere else on the holding where the building

could be more suitably located, given the absence of other buildings and that the holding does not form part of Top Farm.

- 5.6 Instead, in line with the advice in Annex A to TAN 6, the new building would be located on the lowest and least prominent part of the agricultural unit, adjacent to existing woodland to help to assimilate the building into the landscape (paragraph A16 refers).
- 5.7 The proposed building would not be sited on the skyline, but as explained earlier, by taking advantage of the site's topography, it would be set into the slope of the land so that its base would be up to 2m lower than existing ground levels, thus reducing its apparent height, bulk and visual impact (TAN 6, paragraph A14 refers).
- 5.8 The building would also be set back from the main road by around 29m.
- 5.9 No existing trees would be impacted (see later) and new planting is proposed alongside the building's western elevation, again in accordance with the advice in TAN 6, paragraph A16.
- 5.10 In combination, these factors, together with the muted, appropriate colour of external materials proposed and the building's conventional design and appearance, mean that it would not appear as a dominant, alien and visually obtrusive feature, but would be assimilated into the landscape without compromising the agricultural storage function that it is intended to serve.
- 5.11 As illustrated by the photograph in Figure 1 overleaf, in views from higher ground to the north and west, including from vantage points along the lane leading down to Erbistock village, and when looking south along the unclassified side lane to Plas Pen Y Bryn, the new building would be seen against the backdrop of the belt of taller adjoining trees/woodland. Over time, the new planting proposed would further mitigate the building's impact in these views.

Figure 1: *View of application site looking generally east from the main lane (the oak on the left is Ok1 in the Arboricultural Report)*



5.12 The belt of existing mature woodland effectively screens the building from views from the two residential properties that lie south of the application site, as well as in views from the east.

5.13 Having regard to the foregoing analysis, it is therefore considered that the proposed building's siting, design and external appearance would have an acceptable impact on the surrounding landscape and comply with the guidance set out in TAN 6, Annex A.

Trees

5.14 The Arboricultural report prepared by Old Oak Tree Care has identified only 5 category B (moderate quality) trees and one category C (low quality) group of cherry, hawthorn, hazel and ash on or next to the site. However, none of these trees would need to be removed to allow the development to take place. While a small amount of crown raising on the side of one tree (a

sycamore) would be required, to allow space for the proposed building, the report advises that the amenity provided by the tree would not be affected.

5.15 The report adds that correctly placed fencing would ensure that the retained trees can be suitably protected during the build and concludes that the proposal is arboriculturally sound and complies with BS5837.

Ecology

5.16 The PEA prepared by Greenscape Environmental notes (I have paraphrased):

- No habitat suitable for roosting bats was found on the site. However, the woodland to the south may offer foraging and commuting habitat for bats. Since external lighting could negatively impact this dark corridor, a lighting plan should be followed to retain dark corridors. It is recommended that the site be enhanced with bat boxes.
- No evidence of any non-bat mammals was found on site, so no impact is expected.
- There is no nesting habitat for birds on site and no impact is expected. However, the report recommends that a range of woodcrete boxes are erected around the site to provide an enhancement for passerine birds.
- The site is of limited value to newts in their terrestrial phase as there is no shelter or food available. They are more likely to use the surrounding woodland instead, which would not be impacted. It is unlikely that newts would be found on the site and a rapid risk assessment has shown that an offence is highly unlikely to be committed. However, since the development would lead to a net loss of habitat, the report recommends that work should follow a method statement outlining reasonable precautions for securing the safety of individual newts.
- No habitat for reptiles was found on the site so no negative impact is expected.
- No invasive species were found, so no offence would be committed.

5.17 The report therefore concludes that the proposed development can proceed without the loss of any habitat of significant value, and without the loss of the favourable conservation status of any protected species. Moreover, the

biodiversity value of the site would be enhanced post-construction through the provision of bat and bird boxes.

- 5.18 Both the mitigation and enhancement measures recommended in the report can be secured by planning condition.

Drainage

- 5.19 Any surface water drainage issues are not for the local planning authority to consider but will be assessed following any application for SuDS approval that is required from the SuDS Approving Body.

6 CONCLUSIONS

- 6.1 For the reasons set out above, it is submitted that the proposed agricultural storage building is permitted development by virtue of Class A to Part 6 of Schedule 2 of the GPDO and that its siting, design and external appearance would comply with the guidance in TAN 6, Annex A with particular regard to the development's impact on the character and appearance of the area and the surrounding landscape.
- 6.2 In addition, there would be no material harm to existing trees on or adjoining the site or adverse effect on biodiversity considerations. New planting is proposed and the site's biodiversity value would be enhanced.
- 6.3 Consequently, it is hoped that the local planning authority will support my client's application and grant prior approval for the proposed building's siting, design and external appearance.