

Further information about us is available at
<https://gov.wales/appeal-planning-decision>

PLANNING APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact us on 0300 0604400

To help you fill in this form correctly please refer our Procedural guide for Wales.

WARNING: Your appeal must reach Planning and Environment Decisions Wales within 6 months of the date of the Local Planning authority's decision notice.
 (NOTE: If any of the "Essential supporting documents" listed in Section L are not received by us within the appeal period, the appeal will not be accepted)

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT – The name of the person(s) making the appeal must appear as an applicant on the application form. **If this is not the case the appeal may not be registered.**

Name	MR DORIAN HOPKINS
Organisation Name (if applicable)	

B. AGENT (if any) FOR THE APPEAL

Name	MR DORIAN HOPKINS
Organisation Name (if applicable)	
Reference	

C. LOCAL PLANNING AUTHORITY (LPA)

Name of the LPA	WREXHAM PLANNING
LPA's application reference number	WOR P/2020/0792
Application form dated	30.4.21
Date of LPA's Decision notice (if issued)	30.4.21

D. APPEAL SITE ADDRESS

Address	BOWLING BANK FARM, MULSFORD LANE, WORTHENBURY, WREXHAM
Postcode	LL13 0AW

Size of the whole appeal site (in hectares)	0.45
Area of floor space of the proposed development (in square metres)	150m ²

	YES*	NO
Are there any health and safety issues at, or near the site which the Inspector would need to take into account when visiting the site? <i>*If yes, please explain in your full statement of case (section H)</i>	☐	☒

	YES*	NO
Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?	☐	☒
Is it essential for the Inspector to enter the site to check measurements or other relevant facts? <i>* If the answer is 'YES' please explain below</i>	☐	☒

THE INSPECTOR NEEDS TO ENTER THE PRIVATE FARM TO SEE THE BUILDING, THIS CANNOT BE DONE FROM THE PUBLIC HIGHWAY AS IT IS DOWN A PRIVATE TRACK

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or relevant facts.

E. DESCRIPTION OF THE PROPOSED DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised while it was with the local planning authority for consideration, you may enter a description of the revised scheme. Please enclose a copy of the LPA's agreement to the change.

APPLICATION FOR PLANNING PERMISSION FOR CONVERSION OF EXISTING STABLES TO A CAFE, FARM SHOP AND BAR (COMPRISING CHANGE OF USE TO MIXED A1 AND A3) AND PROVISION OF CAR PARKING, LANDSCAPING AND OTHER ANCILLARY DEVELOPMENT

	YES	NO
Has the description of the works changed from that entered on the application form?	☐	☒
Is flooding an issue?	☐	☒
Does the works affect the setting of a listed building?	☐	☒
Is the appeal site within an Area of Outstanding Natural Beauty?	☐	☒
Does the site lie within a conservation area?	☐	☒
Does the site lie within a green belt/green wedge?	☐	☒
Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?	☐	☒

F. REASON FOR THE APPEAL

This appeal is against the LPA's decision to:

Please tick which applies

		☒
1.	Refuse planning permission for the proposed development.	☒
2.	Grant planning permission for the development subject to conditions to which you object.	☐
3.	Refuse approval of the matters reserved under an outline planning permission.	☐
4.	Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.	☐
5.	Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).	☐
6.	The failure of the LPA to give its decision within the appropriate period (usually 8 weeks) on an application for planning permission.	☐

G. Other Appeals

	YES	NO
Have you made any other appeals, for this, or nearby land, for example, against a refusal of planning permission?	☐	☒
If yes please give details, including our reference number, if known.		

H. FULL STATEMENT OF CASE

This is your **only** opportunity to make your case in connection with the reason for the appeal as indicated in section F. Therefore please provide your **FULL** statement of case. To do this, you need to go through the reasons for the decision (if provided), and explain why you disagree. Only the reasons within the LPA's decision and the reasons put forward by you at application stage should be included on your appeal form. You should not introduce any new reasons for the appeal. Please refer to our Procedural Guide for further information.

Please continue on a separate sheet if necessary

We are looking to diversify the agricultural enterprise by providing a new stand alone farm shop within an easily accessible location, that would sell local farm produce from the farm and surrounding local agricultural enterprises.

We unequivocally object to the decision that states the rebuild of the 15 year old stables would be tantamount to the erection of a new building as it is structurally sound. There is no evidence that the planning officer has seen this building close up so presume the decision to condemn was based on seeing the barn with no roof on (this was temporarily removed) from the roadside which is over 120 metres away. Added to that, the decision to comment on its restoration without a structural engineers report seems implausible. We agree that the stables do require a new thermally efficient roof but it is a strong, well built farm building, built on concrete foundations that is currently used for livestock and farm storage. Furthermore we feel the reason to condemn this and subsequently require a complete rebuild has only been reached because it is outside the settlement area and would conflict with UDP Policy E5 when in fact there was never any intention to drop the building and rebuild, it just does not warrant a rebuild.

Reading a couple of objections and to comply with UDP Policy S7 we decided to slightly change our direction and include farm produce within our shop. The farm shop would be able to sell honey, charcoal, logs, kindling wood, fruit (3 types of apples) and potatoes (large main crop of Desiree potatoes are now on sale to the public). All the above produce are offered on sale now to the public. We also have an orchard prepared for the arrival of 5 pigs and chickens in November so that we can offer eggs and pork in the future. Please note that all the above follows the Technical Advice Note 6 - Planning for Sustainable Rural Communities - July 2010 PARAGRAPH 3.72.

One of the refusal points was the conflict with UDP Policy GDP1(d) on the public highway. There is certainly safe and convenient pedestrian access to the development with pavements both sides of the development so the concern must be with the vehicular access. Yet we feel we have already satisfied this. Please note that the P/2012/0188 application was approved with conditions to the access and highway design. Unfortunately the owner at that time did not discharge condition 19. So we sought advice from Wrexham BC for the road layout under application P/2019/0704 which was a comprehensive road layout. This was to discharge condition 19 of that earlier application. We have already accepted the recommendation of Wrexham planning officer MP/P/2019/0704: "This access can be constructed via a s.184 consent."

We also note the lack of information on our proposal to negate increased phosphate levels through discharging foul waste. To be fair to the planning officer at the time we did not realise that we had an existing septic tank on site as it was covered over. We have since located this and have updated the tank upto current standards.

I. PROCEDURE (see guidance for further information)

Appeals dealt with under Part 4 of The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017 can be considered on the basis of written representation, a hearing, an inquiry or combined proceedings. In accordance with the Town and Country Planning (Determination of Procedure) (Wales) Order 2017, the Planning and Environment Decisions Wales will make a determination as to the most appropriate procedure and will review it throughout the process.

Please tick one box only

I consider the written representations procedure is appropriate.	☒
I do not consider that the written representations procedure is appropriate for the reasons given in the box below. I accept that it will be the Planning and Environment Decisions Wales decision as to whether a hearing, inquiry or combination will take place.	☐

If you feel that a hearing or inquiry is needed please provide your full reasons below, including the likely number of days you feel that the event will last and how many witnesses you intend to call.

J. APPLICATION FOR AN AWARD OF COSTS (see guidance for further information)

	YES	NO
Do you intend to submit a costs application with this appeal? <i>If yes, it must be submitted below</i>	☐	☒

K. Appeal Site Ownership Details (Part 1)

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal.

YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

Please read the guidance leaflet 'How to complete your planning appeal form' if in doubt.

*Please tick **ONE** box only*

CERTIFICATE A (If you are the sole owner of the whole appeal site, certificate A will apply)



I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see the guidance leaflet for a definition) of any part of the land to which the appeal relates

OR



CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see the guidance leaflet) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see the guidance leaflet for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's Name	Date the notice was served

Please supply owner's address(es) on personal details page

CERTIFICATES C and D



If you do not know who owns all or part of the appeal site, complete either Certificate **C** or Certificate **D** at Annexe 1 of our guidance and attach it to the appeal form.

K. Appeal Site Ownership Details (Part 2) - AGRICULTURAL HOLDINGS CERTIFICATE
(this must be completed for all appeals)

We also need to know either the appeal site forms part of an agricultural holding.

Please tick either (a) or (b).

a	None of the land to which the appeal relates is, or is part of, an agricultural holding	☐
bi	The appeal site is, or is part of an agricultural holding, and the appellant is the sole agricultural tenant	☒
bii	The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:	☐

Tenant's Name	Date the notice was served

Please supply Tenant's address(es) on personal details page

L. Essential supporting documents

The documents listed in 1–6 below, must be sent with your appeal form; 7-12 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it.

Please tick the boxes to show which documents you are enclosing.



1	A copy of the original planning application sent to the LPA	☒
2	A copy of the site ownership certificate and ownership details submitted to the LPA at application stage (this is usually part of the LPA's planning application form).	☒
3	A copy of the LPA's decision notice (if issued).	☒
4	A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded in blue.	☒
5	A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.	☒
6	A list (stating drawing numbers) and copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).	☒
7	A copy of the Design and Access Statement (if required).	☐
8	Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers below:	☐
9	Any relevant correspondence with the LPA.	☐
10	If the appeal is against the LPA's refusal or failure to approve the matters resolved under an outline permission, please enclose:	☐
a	the relevant outline application;	☐
b	all plans sent at outline application stage;	☐
c	the original outline planning permission;	☐
11	The appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the original permission with the condition attached.	☐
12	If the appeal is against the LPA's failure to decide an application please supply a copy of the LPA's letter registering your application.	☐
13	A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).	☐

PLEASE SIGN BELOW (signed forms with all supporting documents must be received by us within the appeal period)

I confirm that I have sent a copy of this appeal form and all relevant documents to the LPA (if you do not your Appeal will not normally be accepted).

I confirm that all sections have been fully completed to the best of my knowledge.

I understand that you may use the information I have given for official purposes in connection with the Town and Country Planning Act 1990 and details including my name, the site description and my statement of case may appear online. By submitting this form I am agreeing to the use of the information I provide in this way.

Signature:

Name (in capitals)

Mr Dorian Hopkins

Date

14.10.2021

On behalf of (if applicable)

SEND

1 COPY to us at:

Planning and Environment Decisions Wales
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

E-mail: casework.pedw@gov.wales
PEDW.GwaithAchos@llyw.cymru

Helpline: 0300 0604400

1 COPY to the LPA

Send a copy of the appeal form and full statement of case to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

There is no need to send them all the supporting documents again; only send them any supporting documents not previously sent as part of the application.

Please keep a copy for your records

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

Any enquiries regarding this document/publication should be sent to us at the address above or e-mail: casework.pedw@gov.wales / PEDW.GwaithAchos@llyw.cymru