



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 1 Medi 2022

gan Nia Jones, BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 2022-10-03

Appeal Decision

Site visit made on 1 September 2022

by Nia Jones, BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh
Ministers

Date: 2022-10-03

Appeal Ref: CAS-01544-H0F1X1

Site address: The Barn, Higher Berse Hall, Higher Berse Road, Southsea,
Wrexham, LL11 6PW

**The Welsh Ministers have transferred the authority to decide this appeal to me
as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs M Wakefield against the decision of Wrexham County Borough Council.
 - The development is a portal framed building to store agricultural equipment & plant.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The portal framed building was in place, with the area to its north, unannotated on the submitted drawings, laid out and surfaced as a manège, at the time of my visit. Notwithstanding, I have determined the appeal based on the submitted drawings and description of development above.

Main Issues

3. The main issues are (i) the effects of the development on the character and appearance of the area, (ii) the living conditions of neighbouring occupiers and, (iii) ecology.

Reasons

Character and appearance

4. The Barn is a converted former outbuilding forming part of a compact development, set within a formal curtilage, largely laid to lawns and tarmac surfaced parking and turning areas, giving access to garaging and stables. Two other converted dwellings at The Stables and The Coach House are located immediately nearby, facing into the curtilage, with the original farm dwelling of Higher Berse located behind them to the west. The portal

framed building is separated from the dwellings and is accessed along a track to the south. For the purposes of the Wrexham Unitary Development Plan (UDP) it is located outside any defined settlement limit and in the countryside where new development is subject to strict control.

5. UDP Policy PS2 states that development must not materially affect, amongst other matters, countryside or the natural environment. UDP Policy GDP1 also seeks to ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality. The design and external colour of the development are typical of many agricultural sheds. However, it is a large building visually and physically detached from the complex of dwellings and buildings to the north, thus forming a noticeable and separate feature in the adjoining landscape. Although only partially visible from the public footpath from the southwest, it is a prominent and stark feature, due to its substantial scale and visual separation, when viewed from the footpath to the east as well as from nearby public roads. It therefore represents a significant incursion of built form into the rural landscape.
6. UDP Policy EC3 permits the construction of new agricultural buildings providing there is no material detrimental impact on the surrounding landscape. In particular, isolated buildings will only be permitted in exceptional circumstances where there is an essential agricultural need, and no other alternative location. The explanation for the policy refers to farm businesses and defines a farm complex as the curtilage of the usable farm buildings usually centred around the farmhouse. However, the appellants state that the site is a residential dwelling with extensive agricultural land which is used for grazing livestock. I saw during my visit that some fields adjoining the development were being grazed, and others were in arable use. However, the application details indicate that only the dwelling and its curtilage, associated domestic buildings and the appeal site are in the ownership or control of the appellants. No substantive evidence is provided that the development forms part of an existing farm complex or relates to an essential agricultural need. Any justification for the development in the context of Policy EC3 has not therefore been demonstrated.
7. My attention is drawn to the previous existence of a much larger shed which the appellant states the development replaces. However, this was located within the existing complex of buildings and therefore in a less conspicuous and prominent siting than the appeal development. The Council confirms its demolition formed part of an application for a curtilage building approved in 2016.
8. I conclude that the development is harmful to the character and appearance of the area, and is contrary to UDP Policies EC3, PS2 and GDP1.

Living Conditions

9. The three nearby dwellings are slightly elevated above the appeal site. However, although each have east-facing openings, given the separation distance and the intervening presence of a garage and attached stables building, there is little direct view of the development from the properties. The appellant confirms its use is for the storage of equipment and plant rather than for sheltering animals. Consequently, no odour concerns arise. It is also unlikely that activities in relation to the maintenance of any land would take place daily, at unsocial hours, or with a level of intensity or frequency which would cause undue noise or disturbance to nearby residents. The development does not therefore result in any harm to residents' living conditions and it complies with UDP Policy GDP1 insofar as it seeks to ensure the safety and amenity of the public.

Ecology

10. Where greenfield land is of ecological value, UDP Policy PS3 states a preference for the use of brownfield sites. However, little evidence has been provided by either party in relation to the biodiversity value of the site. No specific concerns were raised by Natural Resources Wales (NRW). I saw during my visit that the site displays little diversity of habitat, with the nearest fields largely defined by fencing and either closely grazed or given to intensive arable use. The wider site is comprised of closely mown lawns and tarmac surfaces. In accordance with national planning policy set out in Future Wales, the development is required to enhance biodiversity, but this could be controlled through condition. Notwithstanding, from the available evidence, there is little to suggest that the immediate context of the appeal site has intrinsic nature conservation value which would trigger the requirement for an assessment, and compensatory measures, under UDP Policy EC6.
11. The development is located within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). Development that might lead to an increase in the amount of phosphorus entering the SAC could have damaging effects on its integrity. NRW advises that any development that does not increase the volume and phosphorus concentration of wastewater entering the SAC can be screened out as not likely to have a significant effect as there is unlikely to be a source of additional phosphorus or pathway for impacts. The development is for storage purposes, not livestock housing, and the floor plans do not show any facilities requiring wastewater disposal. The development is therefore unlikely to have any significant effect on the SAC.
12. In the above circumstances, I conclude that the proposal would not cause any material harm to ecological interests and in this regard, I find no conflict with UDP Policies PS3, EC6 or GDP1.

Conclusions

13. Notwithstanding my findings on living conditions and ecology, the development causes harm to the character and appearance of the area. This harm is material and is a compelling factor that has led to my decision. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.
14. In reaching my decision I have taken into account the requirements of sections 3 and 5 of the Well-being of Future Generations (Wales) Act 2015. I consider this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

Nia Jones

Inspector