

APPEAL STATEMENT

Portal Framed Building to Store Agricultural
Equipment and Plant
at
The Barn, Higher Berse Road,
Southsea, Wrexham. LL11 6PW



for

Mr & Mrs M Wakefield

November 2021

APPEAL STATEMENT

PROJECT: Portal Framed Building to Store Agricultural Equipment and Plant (in Retrospect) at The Barn, Higher Berse Road, Southsea, Wrexham. LL11 6PW

CLIENT: Mr & Mrs M Wakefield

LOCAL AUTHORITY: Wrexham County Borough Council

AGENT: Portman Surveyors Ltd

DATE: November 2021

1.0 BACKGROUND

The site has previously been subject to a Full planning application for an agricultural unit (2019/0784) that was refused planning in January 2020.

Portman's were therefore advised to submit a retrospective application for the same design by the Local Authority that was submitted 22 December 2020.

Regrettably the Local Authority subsequently refused the scheme 2020/0895 and it is our opinion that the reasoning is unjustified and restrictive in supporting a recognised agricultural use. There is no due regard to the improvements the Appellant has made to the site at their cost to include the removal of a far larger structure that was sited far closer to residential dwellings.

It is therefore considered there are clear valid grounds to the Appeal that we now submit on behalf of the Appellant.

2.0 OBSERVATION COMMENTS OF CONSULTEES

Environmental Protection

Ian Jones; Public Protection Service Manager: 5 February 2021

"No comment"

Highways

Joy Evans; Advisor Development Planning: 2 February 2021

"We have no objection to the proposed development as submitted and provide the following advice.

Protected Species

We note that there is no information about protected species with the application and, therefore, are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present".

Contaminated Land

Angela Guy; Contaminated Land Officer: 22 January 2021

"No comments"

Welsh Water

Jonathan Hobson; Developer Services: 21 January 2021

"We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts us on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times".

3.0 VIEWS OF PARISH COUNCIL

Parish Council E-Consultation

None received.

4.0 OTHER REPRESENTATION RECEIVED DURING THE COURSE OF THE APPLICATION.

No other representations received from neighbouring properties or any other third parties.

5.0 CASE OFFICERS COMMENTS

In reviewing the LA's website the Case Officers' Delegated Report is not available for public review. The following single reason for determining application P/2020/0895 is as follows.

"In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

- EC3 Agricultural Buildings
- EC6 Biodiversity Conservation
- GDP1 Development objectives
- PS2 Development and the environment
- PS3 Brownfield Land

Particulars of decision that permission be **REFUSED**

Reason(s)

1. By virtue of its scale, design and prominent sitting in the countryside, the development has a materially detrimental visual 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".

6.0 WREXHAM BOROUGH COUNCIL PLANNING POLICY

As part of this Appeal we now offer comment over the following general headings.

6.1 Policy Context

For the avoidance of doubt the policies specified by the Case Officer are confirmed as follows:

Policy GDP1

All new development should:-

- a) 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.
- b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.
- c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.
- d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
- e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.
- f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.
- g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.
- h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.

- i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.
- j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.
- k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.

4.1 In addition to the specific land use or locational policies of the Plan, all development proposals must satisfy certain general requirements, the regulation of which is a key function of the planning system (e.g. drainage/liability to flood, stability, natural hazard, energy efficiency, materials and design, etc.). Many of these matters are the responsibility of statutory organisations that are automatically consulted on development proposals. Quality development can only be achieved through the application of flexible but sensitive standards relating to the visual and operational quality of new development and its impact on people and the surrounding environment. Good design often costs no more than bad. The Council, will, from time to time issue supplementary planning guidance with the aim of encouraging high standards of development and design. Development proposals will be determined in accordance with the Unitary Development Plan, unless material considerations indicate otherwise. The Council will also make reference to non-statutory Supplementary Planning Guidance in their consideration and determination of development proposals, as appropriate. The Council will make full use of obligations under section 106 of the Town and Country Planning Act and of planning conditions to ensure that all new development accords with detailed Plan policies and that the aims of the Plan are fully implemented. The Council will also prepare Development Briefs for allocated sites where it is appropriate to do so. A development brief has been prepared, for example, for the major development site at Ruthin Road, Wrexham, where land is allocated for housing, employment, and education.

4.2 Wrexham County Borough contains a number of installations designated as notifiable to the Health and Safety Executive by virtue of the quantities of hazardous substances stored and used. Whilst they are subject to stringent controls under existing health and safety legislation, it is considered prudent to control the development of land in their vicinity. The siting of new installations will be subject to planning controls aimed at keeping them separated from houses and other land with which they might be incompatible from a safety viewpoint.

4.3 The unique character of parts of the County Borough is derived from its Welsh culture and landscape. The Welsh language is an important part of the daily lives of many local inhabitants and a key determinant of the social fabric of the communities of, for example, the Ceiriog Valley, Rhos/Johnstown, Penycae, Coedpoeth and Minera. The safeguarding and nurturing of this cultural and linguistic identity cannot occur in isolation from the development of the local economy and conservation of the landscape.

4.4 Crime prevention can be a material consideration when considering planning applications, and local authorities are under an obligation to consider the need to prevent crime in all decisions they take. There has to be a balanced approach to design which attempts to reconcile the visual and other qualities of a development with the need to prevent crime, the fear of crime, and disorder.

Policy PS2

Development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment.

Policy PS3

Development should use previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of greenfield land, wherever possible, particularly so where greenfield land is of ecological, landscape or amenity value, or comprises agricultural land of grades 1, 2 or 3a quality.

Policy EC3

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.

5.4 The Council is aware of the need for continuing investment in modern farm buildings, slurry stores and equipment. Farm businesses need to change and grow in response to market forces and legislation if they are to survive. Problems can arise due to proposals which are unusually

large or in sensitive locations. Where this is the case then planning conditions may be necessary to lessen the impact, although consideration will be given to functional requirements and cost implications. The farm complex is defined as the curtilage of the usable farm buildings usually centred around the farmhouse.

Technical Advice Notes (TAN 6)

6.6.3 To minimise the potential for future conflict between neighbouring land uses, planning authorities should exercise particular care when considering planning applications for houses or other new protected buildings within 400 metres of established livestock units. It is important also for planning authorities to keep incompatible development away from other polluting or potentially polluting uses.

6.2 Principle of Development

The site is a residential dwelling with extensive agricultural use land that the appellant uses for grazing livestock. They have undertaken a programme of renovation to rationalise the development with the building in question a replacement agricultural unit less than half the size of a previously removed structure. The building has been located at the end of an established track for access purposes on the periphery of the fields it serves and further from existing residential dwellings.

6.3 Planning History

The site has previously been subjected to an unsuccessful Planning application (LA Ref: 2019/0784) for the replacement of an existing building.

At the advice of the LA a new Planning application was submitted to allow for the retrospective permission of the same building and it is this application (20/0895/FUL) that this appeal relates to.

6.4 Ecology

An extended Phase I habitat survey was not requested by the LA.

6.5 Trees and Hedgerows

There are no trees on the site with none proposed.

6.6 Design

The new structure is formed with suitable grade materials to include profiled metal cladding to walls under a matching duo-pitched roof. The materials match those of a previously removed, larger building as illustrated in Appendix B.

6.7 Highway Safety

Not applicable.

6.8 Flooding and Drainage

Surface water drainage shall be through soakaways with exact location and number to be determined.

A review of the Environment Agencies website confirms the site is outside any designated flood zone area.

7.0 CONCLUSIONS

Permission was sought for a reduced size, replacement agricultural shed located further from the residential dwellings in a semi-rural location.

The net decrease in storage floorspace equates to a **57%** reduction.

The Full Planning application (LA Ref 2020/0895) was refused by the Local Authority on 1 June 2021 with the reason given being due to its' "scale, design and prominent sitting in the countryside".

In terms of all other comments from consultees and the LPA themselves there are no other objections to the scheme.

It is the appellants view that the replacement building, by definition of being reduced in size and further from residential dwellings while set in a slight hollow means its impact is in fact significantly reduced from the building previously removed

It is therefore asked that this statement be considered as part of an appeal against the Councils decision to refuse planning for an outbuilding of a smaller scale than one previously approved for demolition.

APPENDIX A:
DECISION NOTICE

In pursuance of its powers under the Acts an Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant	MR & MRS WAKEFIELD	Code No	COE P/2020/0895
Agent	PORTMAN SURVEYORS LTD MR ROB LEE THE STUDIO TARPORLEY BUSINESS CENTRE NANTWICH ROAD TARPORLEY CW6 9UT	Date Received	22/12/2020
		Decision Date	01/06/2021

Town and Country Planning Act, 1990

Location of application

THE BARN, HIGHER BERSE, HIGHER BERSE ROAD, SOUTHSEA, WREXHAM, LL11 6PW

Description of application

ADEILAD PORTAL I STORIO OFFER A PHLANT (YN OL DREMIOL) / PORTAL BUILDING TO STORE AGRICULTURAL EQUIPMENT AND PLANT (IN RETROSPECT)

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

EC3	Agricultural Buildings
EC6	Biodiversity Conservation
GDP1	Development objectives
PS2	Development and the environment
PS3	Brownfield Land

Particulars of decision that permission be REFUSED

Reason(s)

1. By virtue of its scale, design and prominent sitting in the countryside, the development has a materially detrimental visual 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. 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.



**Officer Appointed for this purpose
Chief Officer Planning & Regulatory**

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm

APPENDIX B:

PHOTOGRAPHS



**PHOTOGRAPH 1: EAST ELEVATION (VIEWED FROM SOUTH-EAST) OF FORMER OUTBUILDING
PREVIOUSLY GRANTED CONSENT TO BE REMOVED AS PART OF PLANNING APPLICATION
(P/2016/0409)**



**PHOTOGRAPH 2: EAST ELEVATION (VIEWED FROM NORTH-EAST) OF FORMER OUTBUILDING
PREVIOUSLY GRANTED CONSENT TO BE REMOVED AS PART OF PLANNING APPLICATION
(P/2016/0409)**



**PHOTOGRAPH 3: NORTH ELEVATION OF FORMER OUTBUILDING PREVIOUSLY GRANTED
CONSENT TO BE REMOVED AS PART OF PLANNING APPLICATION (P/2016/0409)**