

REAL PLANNING

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Date: 2nd June, 2022
Our Ref: 119/BryerStables
Your Ref: P/2021/0888

Planning Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Fao Matthew Phillips

Dear Matthew,

Erection of New Stable Block, Provision of Access, Associated Earthworks and Landscaping to Provide Animal Physiotherapy Business
Land adjacent to Bryer, Trevor Hall Road, Garth, Wrexham
Planning application ref no: P/2021/0888

Firstly, I re-affirm that Real Planning has had discussions, together with an MS Teams meeting, with Natural Resource Wales - Rachel Burke [Development Planning Adviser] and Richard Sumner [Specialist Advisor: Landscape]. These were very useful and centred upon the initial response from NRW dated 13/10/2021.

In addition, you and I have had several conversations and email exchanges in recent times concerning how to progress the planning application. We agreed that the following matters are the main areas for further debate:

1. Principle of the proposal
2. Landscape - impact upon the Area of Special Landscape Value and nearby Clwydian Range and Dee Valley Area of Outstanding Natural Beauty [AONB] – comments from Natural Resource Wales [NRW]
3. Highway comments from the Council's highway section
4. Ecology – impact upon Protected Species
5. Foul drainage and phosphates

I comment upon each of these as follows:

1. Principle

As you will recall, the previous Case Officer was adamant that there *"were significant issues associated with this application, which include the principle of development, and for these reasons the application will be recommended refusal"* also stating that the proposal was in 'clear conflict with relevant UDP Policies' but yet only ever referred to Wrexham UDP Policy E5 to which it was contrar. I countered this in numerous emails and letters detailing further information and reasons why there should be a favourable consideration of the proposed location. However, despite the surety of the then Case Officer, I am not aware of where 'the principle of development requires justification' is referred to in UDP Policy E5 or its resulting 'reasoned justification' [UDP Written Statement Para 7.11].

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UDP Policy E5 relates to resisting small scale employment in the countryside unless it is through the conversion of an existing building. This relates to small-scale industrial / employment proposals which in the main should be located on industrial estates. The UDP Policy E5 written justification goes on to state:

*“However, in some rural areas **there is a need** to provide employment, prevent the loss of services, and maintain a viable and balanced community.”*

This is a proposal specifically related to horses, and the care of horses through physiotherapy. It is not an operation that can be undertaken on an industrial estate nor within settlement limits. In my experience, I have never ever seen or indeed heard of either being such a location. The only location suitable is within the countryside. By the very nature of my client’s proposal, as detailed, the location requires to be close to where she lives, which is next door.

The only other alternative suggested by UDP Policy E5 is to find an appropriately sized and vacant building. There are no vacant buildings nearby of the required accommodation potential or indeed close enough to ensure the safe and proper care of the horses and the other animals requiring in-patient physiotherapy.

As requested, the applicant has put together a revised statement [Additional Applicant Supporting Statement - February, 2022] to demonstrate the need for the proposed development:

‘to provide a base for her established business which includes the treatment of a range of large and small animals.’

She goes on to state:

“As part of my business, I require an agricultural barn, to include four stables, some for personal use for my two horses and then for client’s animals to be housed when requiring in-patient physiotherapy. In-patient treatment for the various animals can range from 3 days to a number of months, dependent on their individual need. Dogs will occasionally be attending on a day case.

While I will continue to treat animals in their own locations there is a definite business need to cater for occasional treatment on-site and in-patient care on a periodic basis for more difficult cases. Not having the facility to be able to cater for this would impair my commercial offering and not provide a competitive service to local customers.

I also require a separate feed and storage room to house the feed and bedding for the animals. The large open area is needed for sufficient room to treat the animals and for the secure storage of physiotherapy equipment (such as poles, balance equipment etc.) and the secure storage of a trailer to transport the animals.

The requirement of this barn is crucial to the development of my business, supporting local animal

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welfare and working animals of the surrounding area. In particular, this barn is essential for me to be able to compete with neighbouring businesses in Cheshire and Shropshire, providing a more local and competitive service for North Wales. The barn is located next to my house, therefore reducing my travel to work."

Finally, just to add to the discussion and for the consideration of the 'in principle' issue, I would like to bring to your attention that an application for the:

"Change of use of land to a mixed-use for equestrian and residential use, erection of stables, construction of menage, use of barn as a rural enterprise dwelling and associated works"

was submitted to Denbighshire County Council in early 2019, and was subsequently approved in September 2019, despite its location not only within the open countryside but also, not just nearby, but actually within the same Clwydian Range and Dee Valley AONB.

In addition, Planning Policy Wales [Edition 11 – February, 2021] in discussing the Rural Economy states:

*"By **supporting the development of a broad range of employment opportunities in rural areas** planning authorities can increase economic prosperity and help address the effects of rural decline or depopulation where it occurs. **Greater opportunity can support and strengthen the future well-being and sustainability of rural communities.**"*

Also,

*"Many commercial and light manufacturing activities **can be located in rural areas without causing unacceptable disturbance or other adverse effects.** Micro and small enterprises have a vital role to play in the rural economy and contribute to both local and national competitiveness and prosperity. While some employment can be created in rural locations by the re-use of existing buildings [reference here also to PPW TAN 6 – Planning for Sustainable Rural Communities], **new development will be required in many areas.**"*

2. Landscape

As you know, although the application site lies outside the nearby Clwydian Range and Dee Valley AONB, NRW raised concerns around any potential resultant impact of the proposal [see NRW consultation response dated 13/10/2021 and subsequent discussions with the NRW Specialist Advisor: Landscape summarised in Section 5 to the enclosed Landscape Scheme [Bryer Stables – Landscape Statement – Real Planning May 2022].

In April 2022, Real Planning submitted the requested Cross Section to the NRW Landscape Officer subject to the additional need to:

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- *Introduce more naturalised landforms*
- *Provide a hedgerow / tree planting scheme along the edges of the proposed development and between it and Bryer and*
- *Provide a Landscape Proposals Plan*

NRW responded, stating:

“The section drawing helps explain the relationship between buildings and their relative scale and position in the landscape. Cut and fill to set the new building into the hillside looks appropriate. The sections and/or landscape plan will need to confirm where cut spoil is reused. As discussed previously the planting of native species shrub and tree species to separate the residential and agricultural elements, define the edges of gardens, and enclose the parking area would all help settle the previous and current development proposals into the landscape.”

In addition to the above Cross Sections [see Drawing No PD218/05 March 2022] a revised Proposed Site Plan [see Drawing No PD218/02 May 2022] has been produced in relation to the above and is submitted together with a Landscape Scheme [Real Planning V2 May 2022]. Both give details of the proposed landscaping designed to ameliorate the proposal and minimise any impact upon the surrounding landscape. The Landscape Scheme also gives a general description of the Landscape Works, Planting Preparation and Methodology, Implementation and Maintenance Plan together with Schedule of Tree Planting and Specification of Native Hedge Planting.

Real Planning considers that the cross sections demonstrate that the proposal can be ameliorated through naturalised landforms and that together with the now submitted Landscape Proposals Plan and Explanatory Supporting Landscape Statement will, as NRW states above – ‘.... **help settle the previous and current development proposals**’.

In addition to all of the above, to help reduce the impact of the proposal upon the landscape, the application site area has been reduced to 70% of the original submitted proposal. It is now 820 square metres compared to the original 1160.

3. Highways

In relation to highway matters, Real Planning has produced a Highway Assessment [Real Planning V3 May 2022] to support the planning application. A Highway consultation response to the application was sent to planning under Memorandum dated 12th November, 2022. However, it is very confusing as it clearly has a number of conflicting statements. These have been referred to and addressed in the above-mentioned Highway Assessment. It concludes, as follows:

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“The proposed use of the site will generate a nominal increase in traffic - just four horse boxes per week in the very worst scenario.

The site is in an agricultural setting where horseboxes are regularly seen on the highway. The site access itself is capable of accommodating horsebox manoeuvres in its current format and given its agricultural usage there is nothing to prevent its use by horse boxes / tractors /trailers at the present time.

There is, therefore, reason for the site access to require upgrading to the extent requested by the highway department as it does not meet the criteria set out in planning circular WGC 016/2014. The revised plans indicate that there is more than enough space for the parking and turning of a horsebox within the proposed car parking area.

It is, therefore, considered that the additional information submitted in support of the application should resolve any queries from the highway department. It is suggested that conditions, relating to the:

- *construction and maintenance of the proposed parking / turning area*
- *surfacing of the immediate site access with hard bound materials for a minimum distance of 10m behind the highway boundary, we would require a minimum width of 4.8m to allow the simultaneous passing of vehicles.*
- *Provision of an aco-drain.*

is all that this proposal warrants as any road improvements are not deemed necessary to support the application.”

4. Ecology

Real Planning submitted to Planning, under cover of an email dated 20th May 2022 to yourself, the requested Ecological Report [see Ecology Report - 0987A-Ecology Design Consultants-Field Adj The Bryers-Eco Report-v1]. The report concluded:

“No major impacts on species or habitats have been identified during the assessment process. It is therefore the surveyor’s opinion that the proposed development proposals are considered to have no long-term impacts, and if carried out in a wildlife friendly approach would offer beneficial improvement, the development therefore, will have no long-term impact on the favourable conservation status of locally recorded protected species, or their ecological functionality if the works are carried out in accordance with the recommendations given within this report.

5. Foul Drainage and Phosphates

This matter - the resultant issue of phosphates and the concerns raised regarding any potential impact of the proposal upon the River Dee and Bala Lake SAC was discussed in some detail with NRW towards the end of 2021. There is no foul drainage other than ‘dry’ horse manure and it was confirmed to NRW that

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any such manure will be managed in accord with the Code of Good Agricultural Practice for the Protection of Water, Soil and Air for Wales. This was acceptable to Rachel Burke [NRW Development Planning Adviser].

In summary, Real Planning is of the view that the detailed considerations and assessment of the proposed development demonstrates that it should be given favourable consideration by the Council. For all the reasons set out above it is considered that the development proposal is appropriate development in the countryside. It causes no detrimental harm and retains the open character of the area. There is also no impact upon the local highway network. Real Planning has clearly shown that the proposed scheme complies with the relevant national planning policy / guidance and the Council's policies contained within the Wrexham Unitary Development Plan together with Local Planning Guidance Notes and that there are no material considerations that indicate that the application should not be considered favourably.

Yours faithfully,

J G Kellett

for REAL PLANNING

Enclosed:

1. Additional Applicant Supporting Statement [February, 2022]
2. Transport Assessment [Real Planning V3 May 2022]
3. Ecology Report - 0987A-Ecology Design Consultants-Field Adj The Bryers-Eco Report-v1]
4. Landscape Scheme [Real Planning V2 May 2022]
5. Proposed Site Sections [Drawing No PD218/05 March 2022]
6. Revised Proposed Site Plan [Drawing No PD218/02 May 2022]