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**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT HALEN-
Y-DDAEAR, HIGHER WYCH, WREXHAM SY14 7JT**

COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2020/0738

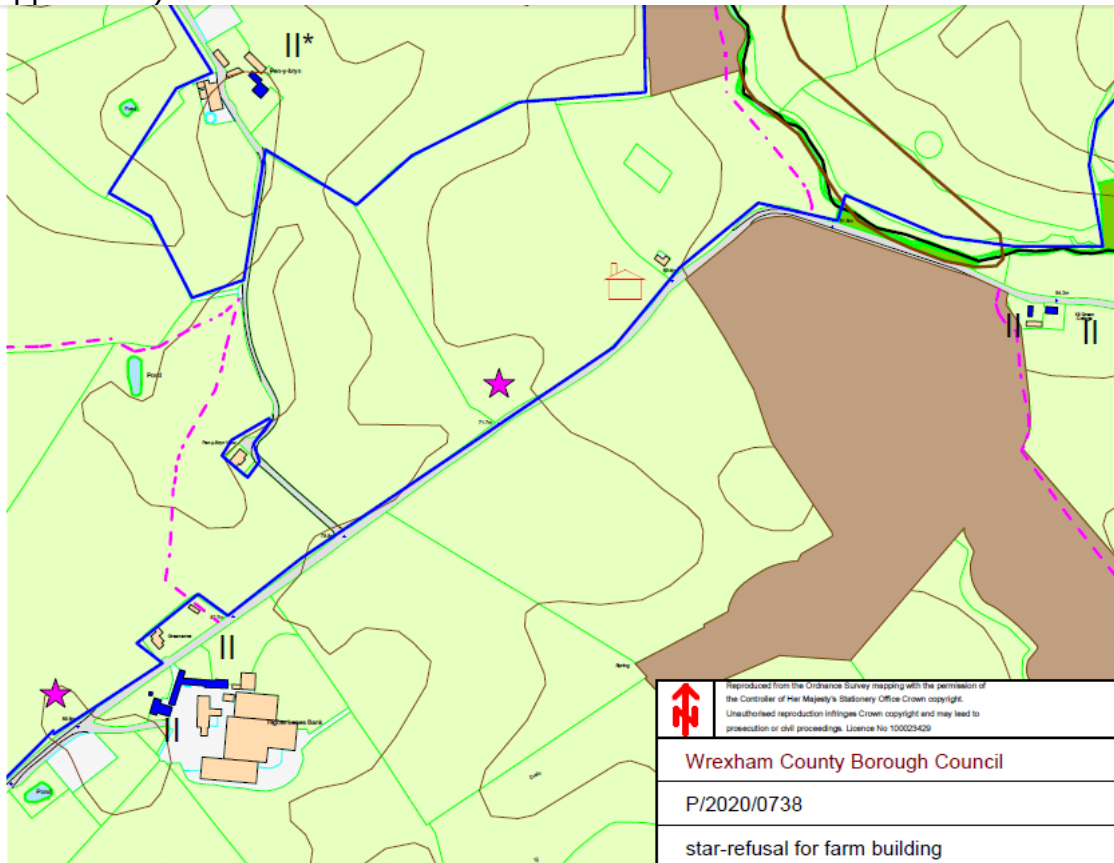
PINS REF: APP/H6955/A/21/3276889

1.0 THE SITE

1.1 The site is on the north-west side of the Class III county road and 170m west of the Wych Brook which forms the boundary with Cheshire West and Cheshire. A stable building adjoins the site to the east. Photos are attached as appendix B and C and plans of the area as appendix C.

1.2 To the east are linear wildlife sites know as lower Wych meadows and Iscoyd brook (appendix G).

1.3 350m to the north-west and above the site is a Grade II* listed building Penybryn (appendix F).



Land owned by applicant- Blue. Appeal site- red house. Listed buildings- blue. Wildlife site brown Contours- brown Purple star- agricultural buildings refused. Footpath- purple dotted line. County Boundary- black.

2.0 PROPOSAL

2.1 The application was in outline with all matters reserved for the construction of an agricultural dwelling. The application included sketch details of a proposed 4 bedroomed dormer bungalow with attached double garage and a farm office and workshop.

3.0 LOCAL PLANNING POLICY

3.1 In the Wrexham Unitary Development Plan 2005 the site is shown as outside settlement limits and within a Special Landscape Area (appendix I).

3.2 The site is within area 13b English Maelor and adjoins area 12b Wych Valley in the Wrexham LANDMAP documents (appendices E).

3.3 The following policies of the Wrexham Unitary Development Plan are applicable:

GDP1 General Development Principles

PS2 Impacts of development

H5 Housing in the countryside

EC4 Trees hedgerows and woodlands

EC5 Special Landscape Areas

EC6 Biodiversity

EC9 Listed Buildings

T8 Parking

3.4 A Local Development Plan for Wrexham was subject to examination 2020-2021 and is likely to proceed to adoption in the near future.

3.5 The following supplementary planning guidance is also applicable:

2. Agricultural appraisals (Copy attached appendix H).

7. Landscape

17 Trees

32 Biodiversity

3.6 Copies of the above policies and guidance that are relevant to the decision have been supplied with the appeal questionnaire.

4.0 PLANNING HISTORY

P/2020/0739 Agricultural Building (notification) withdrawn

P/2020/0847 Agricultural building Refused 15/3/2021

Adjoining land to south-west

P/2016/0986 Agricultural building refused 14/10/2016

P/2017/0439 Agricultural building withdrawn

5.0 THE APPLICATION

5.1 The application was received on 10/11/2020. Consultations were carried out and additional information was sought from the applicant, which was received on 29/1/2021 and 1/2/2021. Re-consultation was carried out.

5.2 Several letters of objection and support were received. As these refer to confidential and personal matters they have not been submitted with the appeal, and persons making representations have been notified of the appeal.

6.0 THE COUNCIL'S CASE

6.1 Apart from the appeal form, there are no new documents submitted with the appeal that have been supplied to the local planning authority. Therefore the Council is content to rely on the report prepared in determining the application under delegated powers, which included a summary of the application and the following assessment:

The farm has a total of 137 hectares of land. This land has three elements: 32 hectares at Oaks Farm, the farm centre and where the dairy herd is milked, the herd

consisting of 120 cows and circa 50 calves a year; 34.8 hectares rented for summer grazing and associated crops; and 71 hectares at Higher Wych. It is the latter land which is the subject of the application and where the need for a new dwelling is described as being essential.

The animals at Higher Wych consist of a mixture of dairy and beef stock, totalling around 149 Livestock Units, and 200 ewes.

The application site forms part of a wider landscape which is characterised by open fields and views with hedgerow boundaries and trees. To the north is a listed farmhouse (unrelated to the proposed development) and associated farm buildings, with no buildings in the vicinity apart from a small stable building. The landscape is open and offers excellent views over the countryside

The application is for a new agricultural dwelling to support the running of a holding.

A revised agricultural assessment has been supplied, together with ecology reports.

The site lies in open countryside where residential development is normally strictly controlled.

Policy H5 sets out circumstances under which new dwellings may be permitted, including where there is an essential need to house a farm or forestry key worker. The policy also sets out the criteria how that need will be assessed.

Policy H5 of the UDP is generally in accordance with PPW and the guidance set out in Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities and the accompanying Practice Guidance: Rural Enterprise Dwellings. However, as TAN6 is more up to date than the UDP I have assessed the development in light of guidance for rural enterprise dwellings set out in it.

Functional Test

The dwelling is to support the operation of a farm enterprise based mainly at The Oaks, some 5km to the south-west. It is described in the supporting statement as enabling the passing of the main enterprise at the Oaks to a member of the family, enabling the parents to farm at Higher Wych. It is considered that such a need could be better met by an additional dwelling at the main farm- possibly through conversion of an existing building- rather than a new dwelling on an isolated site.

Time Test

The holding as a whole is a significant enterprise with a high labour requirement. However the land at Higher Wych is a small part of this holding and the majority of land in this area is rented.

Financial Test

Paragraph 4.4.1 (c) advises that permanent dwellings should only be supported where a rural enterprise has been established for at least 3 years and profitable for at least one. Paragraph 4.10.1 provides further advice that a rural enterprise should be financially sound and should have good prospects of remaining economically

sustainable for at least 5 years. The information supplied is not conclusive to show that the business could support the cost of the construction.

Whilst the applicant may be able to satisfy the requirements of paragraphs 4.6.1 and 4.6.2 of TAN6 for a temporary dwelling on a newly established enterprise, that is not what is proposed by the current application.

Other Dwelling Test

The other dwelling at The Oaks is 8km from the site but the farming enterprise has operated for several years from this base. .

Other Planning Considerations:

Siting

The proposals would be potentially intrusive into the rural landscape, given the remoteness from other buildings. So would be contrary to policy GDP1(a).

Policy H5 and TAN6 (para 4.12.1) also require farm dwellings sites to be close to existing buildings and not isolated from farmsteads. So there would also be a conflict with H5 and TAN6 on siting grounds. The indicative size of the proposed dwelling is also a cause for concern, but this would be subject to assessment at the reserved matters stage.

Setting of listed buildings/ archaeology

There are concerns over the proposal in relation to the impact upon the setting of the grade II listed farmhouse Penybryn given its height, position and proximity. Listed grade II* for its special architectural interest as an especially fine late C17-early C18 Renaissance house, an early and well-preserved example of brick building and double-depth planning, retaining original character and detail.*

Historically it formed part of the Iscoyd Park Estate which by the end of the 19th Century extended to 887 acres. This openness of the area adds to the aesthetic value of the farmhouse where it is experienced within an open, historic landscape and where the farmhouse is clearly the principal structure.

The proposed siting would have a detrimental impact on the setting of the listed building.

An archaeological contracted watching brief would be required.

Access:

Based on the details submitted, subject to the hedge to the north of the access being removed and replacement behind the visibility splay lines, adequate visibility in both directions can be provided. The width and layout of the access is also acceptable. In light of this am therefore satisfied that the proposed access arrangements are acceptable.

Ecology:

This application is for a considerable development in what is a rich and biodiverse part of the county borough. A more detailed ecological assessment including full ecology survey and considerable mitigation would be required before the application could be considered favourably.

Trees:

There is a significant hedgerow tree which may be compromised during construction if appropriate protective measures are not put in place. No arboricultural report has been submitted to accompany this application however, in this instance, it would be acceptable to simply condition an arboricultural method statement (AM) should consent be provided.

There is an opportunity to enhance canopy cover within the site boundary and individual tree planting should be proposed within an approved landscaping scheme subject to condition should consent be provided.

CONCLUSION

The proposal would be contrary to adopted policies on housing development in the countryside.

8.0 CONCLUSION

8.1. The Council therefore respectfully requests that the appeal be dismissed.

9.0 Appendices

- A. Schedule of conditions if the appeal is allowed
- B. Photos of appeal site
- C. Maps of locality
- D. Aerial photos
- E. LANDMAP areas 12b and 13b
- F. Listing Penybryn
- G. Wildlife sites information
- H. Local Planning Guidance Note 2
- I. Local Plan Proposals Map extract