

PINS Ref:

APP/H6955/A/18/3214588

APP/H6955/A/18/3214586

Broad Oak Farm, Rossett, Wrexham

Hearing Statement (Full Statement of Case)

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1.0 INTRODUCTION

- 1.1 Planning appeal(s) are made in response to the refusal of planning permission made by Wrexham County Borough Council to planning applications P/2017/0623 and P/2018/0223. The decisions were made at Planning Committee on 02nd July 2018 (the decision date).
- 1.2 The appeals have been validated by the Planning Inspectorate (PINS) under the following references. The appeals are linked and hence will be determined concurrently:
- o APP/H6955/A/18/3214588
 - o APP/H6955/A/18/3214586
- 1.3 This statement represent the full statement of case and is submitted as a single document applicable for consideration in both appeals.
- 1.4 The description of development is as follows:
- P/2017/0623
- "Change of use and conversion of barns to 13 residential units including part demolition, access and parking arrangements"*
- P/2018/0223
- "Conversion of barns (inc. part demolition) to form 5no. dwellings, access arrangements and associated works"*
- 1.5 The reasons for refusal are as follows:
- P/2017/0623
- o *The proposal, by virtue of the existing appearance and form of construction of the single storey building known as Barn D, is considered would be unsuitable for conversion. The extent of re-building and alteration that is required to restore the single storey building referred to as Barn D to a habitable condition, is considered would be tantamount to the erection of new dwellings outside a settlement limit which would conflict with UDP Policies H3 and H5 of the UDP and the provisions set out within LPG 03 and 13.*
 - o *The cumulative re-build, alteration and construction of new buildings, by virtue of the resultant design, layout and*

appearance as well as the associated curtilages, is considered would adversely impact on the character and appearance of this open countryside location, the built form and surrounding landscape. The proposal would be contrary to Policies H3 and H5 of the Wrexham UDP and the provisions set out within Local Planning Guidance Notes 03 and 13.

P/2018/0223

- o The overall form and type of construction of the existing single storey buildings on site are not considered to make a positive contribution to the character and appearance of the area or the surrounding landscape and are not considered worthy of retention. Furthermore, the extent of re-building and alteration required to restore the existing buildings to a habitable condition, is considered would be tantamount to the erection of new dwellings outside a settlement limit. The proposal would conflict with UDP Policies H3 and H5 as well as the provisions set out within Local Planning Guidance Notes 03 and 13.*
- o The cumulative re-build, alteration and construction of new buildings, by virtue of the resultant design, layout and appearance as well as their associated curtilages, is considered would alter the character and appearance of this open countryside location, the built form and surrounding landscape. The proposal would be contrary to Policies H3 and H5 of the Wrexham UDP and the provisions set out within Local Planning Guidance Notes 03 and 13.*
- o Insufficient information has been submitted with the application to adequately assess the impact of the proposal having regard to the presence of bats on the site. The proposal would not accord with UDP Policy EC6.*

1.6 A copy of the decision notices were submitted with the grounds of appeal.

1.7 The two applications were determined concurrently. The 2017 application was submitted independently for development on part of the overall farm complex however during the determination stage of this application the LPA requested that an application be made for development on the remainder of the far complex to allow them to consider the comprehensive development of the site for completeness, hence the 2018 application was submitted. The two

applications were determined concurrently and presented as such at Planning Committee.

- 1.8 A copy of the officer's report to Committee for each application were submitted with the grounds of appeal.
- 1.9 As the applications relate to the same site and the issues under consideration are equally applicable to both applications, it was requested that the 2 no. submitted appeals are dealt with as a single entity, i.e. one combined appeal, via the hearing procedure. This has been confirmed by PINS as we now have two reference numbers but they are linked cases.
- 1.10 It is submitted that this proposal is of an appropriate scale and of a complex nature to justify a hearing.

2.0 SITE AND CONTEXT

- 2.1 Broad Oak Farm is a former pig rearing farm which ceased production in 2001. The appeal site, as a combined site across the two applications, comprises 0.78 ha of land including several traditional brick built barns and several portal concrete framed barns with brick infill walls. In addition there are two silo storage tank structures. The main farmhouse stands within the south east section of the site with garage, workshop buildings and garden area.
- 2.2 Broad Oak Farm is located on Llyndir Lane, Rossett, close to the Chester Wrexham Railway Line and bound by agricultural land on all sides. Rossett lies 5 miles north east of Wrexham and 6 miles south west of Chester. Junction 7 of the A483, 1.5 miles from the site provides excellent access to the regional road network. Chester Road passes through Rossett 500m east of the site. Route 1 operated by Arriva runs between Wrexham Bus Station and Chester Railway Station via Gresford, Marford, Rossett, Pulford and Chester Business Park. This route provides a 10 minute frequent service in both directions from Mondays to Saturdays and a 30 minute service on Sundays.
- 2.3 Rossett contains a variety of services and facilities, including a primary school, secondary school, pubs, church, village hall, takeaway, convenience stores etc.
- 2.4 The farm historically operated as one of 4 farms in the local area working in the pig production business, with the other farms being Collynie Farm on Llyndir Lane, Moorside Farm in Parkside and Burton Meadows Farm on Llyndir Lane.
- 2.5 British pig farming declined significantly during the 1990's when cheaper meat became available from modern production units in mainland Europe. Two of the other local farms were vacated during this period. Moorside farm gained planning permission for conversion to residential use. Collynie Farm was converted for business use at Rossett Business Village. Burton Meadows farm remains in use as the sole focus for production in the area.
- 2.6 The buildings at Broad Oak are not suitable for any other agricultural purpose, having been constructed specifically for pig farming. Their

layout and design are not appropriate for modern agricultural requirements and the economies of scale / mechanised handling that is essential for commercially successful modern farming. As such, whilst the farmhouse has remained occupied by the farmer, the rest of the buildings on site have remained largely empty.

- 2.7 The farmhouse is located at the southern section of the site and is accessed by a separate entrance off Lyndir Lane, with garage driveway and garden areas. A large brick wall separates the main farmyard from the farmhouse garden.

PLANNING HISTORY

The site has previously been considered for residential purposes and was the subject of a series of planning applications – details as follows:

Application Reference	Proposal	Date	Decision
P/2018/0223	Conversion of barns (inc. part demolition) to form 5no. dwellings, access arrangements and associated works	30/07/2018	Refused
P/2017/0623	Change of use and conversion of barns to 13 residential units including part demolition, access and parking	30/07/2018	Refused
P/2010/0510	Change Of Use And Part Re-Development To A Live/Work	16/06/2010	Withdrawn

	Development Comprising 21 No. Dwellings, Offices Together With Associated Access And Landscaping.		
P/2008/1334	Change Of Use And Part Redevelopment To Form 24 No. Dwellings, 24 No. Work Units And Management Offices, Together With Associated Access And Landscaping.	16/06/2009	Withdrawn

3.0 STATEMENT OF CASE

3.1 In summary, two of the reasons for refusal are essentially identical for both applications and the second application includes a third reason for refusal, based upon ecology grounds.

3.2 Summary of reasons for refusal:

- o The buildings put forward for conversion are not worthy of retention, on the basis that they do not make a positive contribution to the character and appearance of the area.
- o The extent of re-building is beyond an acceptable level.
- o Cumulative detrimental impact of the development on the countryside character and appearance.
- o Conflict with UDP Policy H3
- o Conflict with UDP Policy H5
- o Conflict with LPGN 13
- o Impact on bats and their associated habitat*
- o Conflict with UDP Policy EC6*

**application P/2018/0223 only*

3.3 With reference to the grounds of appeal a summary of the key supporting points is as follows:

- o The suitability of the buildings for conversion
- o The cumulative impact of the development
- o Ecological Impact
- o Betterment – highways, character / openness

3.4 Each of the above points will be assessed in detail through the following chapters of this statement.

4.0 SUITABILITY OF THE BUILDINGS FOR CONVERSION

- 4.1 The farm complex has not been in operational use for over ten years. The sizeable extent of buildings across the site are displaying the effects of neglect and disrepair and are currently negatively impacting on the character and appearance of the rural area. Ultimately the development would result in the net loss of approximately 50% of the buildings across the whole site, so cumulatively presenting a positive impact in respect of openness in the Green Barrier. The retained buildings are the most suitable for and capable of conversion without major alteration and ultimately will enhance the rural character and appearance through an appropriate mix of more typically traditional conversions and a smaller element of contemporary features.
- 4.2 In policy terms there is no criteria specifying that for buildings to be considered appropriate for conversion they must be of architectural or historic merit or contribute to the rural character of the locality. All of the buildings reflect a key period in agriculture and the dominance of pig farming in this locality.
- 4.3 In policy terms the key criterion is that the building must be structurally sound and capable of conversion without extensive rebuild. A full structural report has been undertaken for all buildings identified for conversion and support the applications accordingly. As highlighted above, the only extent of external building alteration is the altered pitch of the roof and associated raised ridge line, which is less than 1.0 metre.
- 4.4 It must be noted that the current roof covering is cement fibre / asbestos sheeting, which could (more to the point, should) be replaced under permitted general repairs and maintenance of agricultural buildings. A more appropriate covering would be slate, as proposed in the application, which would necessitate alteration and increased pitch regardless. It must be further noted that a direct comparable has been accepted by the local planning authority on a former agricultural site located less than 1.5km from the appeal site, where the roof was cement fibre / asbestos sheeting and a slate replacement was approved under Planning and additionally a raising of the roofline of over 2.1 metres was approved under Planning. This example is assessed on more detail in chapter 10 of this statement.

- 4.5 In respect of the utilitarian buildings, the Conservation officer raises no objection to their conversion in principle. In fact they take this further by stating that the building can accommodate a greater degree of alteration without compromising the character of the site.
- 4.6 There are a substantial number of existing openings across all of the buildings, there is in fact a surplus and a number will need to be blocked-up.
- 4.7 The buildings do not meet any of the criteria set out in LPGN 03 against which a building is not judged suitable for conversion. Conversely, the buildings must be judged suitable for conversion.

5.0 CUMULATIVE IMPACT OF THE DEVELOPMENT.

- 5.1 The appeal site is located in designated Green Belt. As stated in Planning Policy Wales, the most important attributes of Green Belts are their permanence and their openness. It is submitted that the site as it currently stands does not positively reinforce the openness of the wider landscape, in fact the position is more of a negative one in consideration of the extensive agglomeration of buildings and structures within a limited curtilage. The proposed development represents an extensive reduction in the extent / bulk / massing of buildings and structures across the site. Accordingly, the cumulative impact of the proposed development is actually a positive one in terms of openness, as opposed to the negative impact expressed by the local planning authority.
- 5.2 The principle of the scheme is directly comparable to the principles applied in the recent permission at Gamford Farm, Rossett (P/2016/0384) where the officer's report specifically addressed this matter and a positive impact upon the openness of the Green Barrier was cited as a material consideration. A full copy of the officer's report is included as Appendix 1 to this statement and the following represent the pertinent comment made:

The conversion of the existing buildings accords with PPW advice. Furthermore I am satisfied that the dwellings that will replace the existing farmhouse are of an appropriate size and will therefore not harm the openness of the Green Barrier. Indeed the development will contribute towards the openness of the Green Barrier by the removal of several modern farm buildings and the provision of large landscaped areas within the site.

- 5.3 The only new-build elements of the proposed scheme are parking barns, which are sympathetically designed to complement the rural scene and typical structures permitted in a number of barn conversion proposals across the Borough.
- 5.4 Demolition will enhance the appearance of the retained buildings and compliment the newly established curtilages of the plots; providing garden areas, dedicated parking spaces and shared residents amenity space across the site.

- 5.5 In respect of cumulative impact, the end result would in fact be a positive one, considering the net reduction of circa 50 % of buildings and structures across the site. Calculated as follows:

Site 1 – application ref: P/2017/0623

Existing GFA (m ²) (all buildings & structures)	Proposed GFA (m ²) (residential units & parking barns)
2,788	1,478
Net reduction (GFA) - 1,310 m ²	
Net reduction as a % - 47 %	

Site 2 – application ref: P/2018/0223

Existing GFA (m ²) (all buildings & structures)	Proposed GFA (m ²) (residential units & parking barns)
1,449	730
Net reduction (GFA) - 719 m ²	
Net reduction as a % - 50 %	

6.0 ECOLOGICAL IMPACT (P/2018/0223 ONLY)

- 6.1 Both applications are supported by appropriate ecological assessment, including particular consideration of bats. It is concluded that mitigation provision on Site 1 is adequate to serve the comprehensive scheme across both sites and Reasonable Avoidance Measures can be applied as part of the development process.
- 6.2 Subsequent further survey work has been undertaken in respect of the buildings considered under ref. P2018/0223. A report has been prepared accordingly an appropriate mitigation identified. A copy of this was submitted with the Grounds of Appeal and it is our opinion that this addresses the reason for refusal. We would seek to agree this with the LPA through the appeal process and agree a statement of common ground at the appropriate juncture.

7.0 BETTERMENT - HIGHWAYS

- 7.1 It is submitted that the position regarding highways improvement that would result from the development proposal proceeding represents considerable betterment on the existing and this represents a material consideration in the determination of the proposal.
- 7.2 There have been numerous discussions with WCBC Highways associated with both the initial application for 13 dwellings (Ref: P/2017/0623) and the subsequent application for an additional 5 dwellings (Ref: P/2018/0223). Based on the WCBC Highways consultation response dated 6th April 2018, the following elements are understood to be agreed:
- o Existing northernmost access on Llyndir Lane to be closed as part of the development proposals;
 - o Improvements to be made to two existing points of access which have previously accommodated vehicular movement associated with the site's historic operation;
 - o Visibility splays of 2.4 metres by 49 metres can be achieved in both directions at each access point and are considered acceptable to WCBC Highways;
 - o A 2 metres width footway is to be provided along Llyndir Lane between the two site access points, extending to provide pedestrian links into the site;
 - o Carriageway realignment to provide a width of 5.5m along the site frontage which WCBC Highways consider to be a significant improvement;
 - o Short diversion of existing ditch required which has previously been discussed in principle with WCBC and the Lead Local Flood Authority, and would be subject to additional consents which can be conditioned post planning;
 - o No new culverts on watercourses required and therefore the proposals are in accordance with WCBC policy;
 - o Additional passing place can be provided in Lavister Lane between the Rossett Business Village and the junction with Llyndir Lane, as requested by WCBC Highways, to supplement existing passing opportunities;

- o Additional passing place to be provided on Llyndir Lane south of the farmhouse access, as requested by WCBC Highways;
 - o Car parking to be provided in accordance with local standards with suitable provision for large vehicles to enter, turn and exit in forward gear;
 - o WCBC Highways able to support the application for 13 dwellings subject to the proposed highway improvements (without the footpath) based on trip movements not being dissimilar to previous uses; and
 - o WCBC Highways able to support the application for a further 5 dwellings subject to the proposed highway improvements (including the footpath) based on the limited additional trip movements.
- 7.3 The general principles of improved access at the site are agreed with WCBC Highways but it has been requested that, if possible, additional width should be provided in the vicinity of the northernmost access. The width currently shown at this point is just over 5 metres in order to tie with the existing alignment prior to the watercourse to the north. This provision has been demonstrated to accommodate the two-way passage of vehicles and is considered to be appropriate. Despite this, it is considered that there may be some flexibility to maximise the width of the carriageway at this location which can be considered as part of the detailed design process post planning.
- 7.4 The latest WCBC Highways response notes that the existing passing opportunity identified should not be formalised. The principle was discussed with WCBC Highways as part of the planning application and it was originally noted that the formalisation of this existing passing opportunity may not be necessary given that the carriageway is straight and within approximately 50 metres there is a further opportunity to pass in the vicinity of the Rossett Business Village. Despite this, if WCBC Highways feel that this existing area should still be formalised, this can be included, conditioned and delivered as part of the detailed design process post planning.
- 7.5 In terms of the footway provision, there has been internal discussion at WCBC regarding the provision of a footpath. For clarity, WCBC Highways have suggested that a footpath should be provided but WCBC Planning are not supportive of a new footway. It was originally noted that based on the very low traffic flows, minimal existing conflict and no recorded accidents, the existing conditions would not

discourage pedestrians from walking in the carriageway, as they have been observed to do at present. To assist, a submitted plan demonstrates how a footpath could be provided if considered to be beneficial. This could be referenced in a suitably worded condition with the detail regarding tie in to existing infrastructure considered further during detailed design post planning (if required).

- 7.6 Local facilities in Rossett have previously been identified within a 2km walking distance and a 5km cycling distance. This includes a primary school, high school, leisure centre, convenience store, post office, hair salon, food takeaway, a number of public houses and churches. Once Llyndir Lane/Cobblers Lane joins Chester Road, footways are provided along either side of the carriageway with both controlled and uncontrolled crossing infrastructure facilitating access to a variety of shops, services and local amenities. For cyclists, both Llyndir Lane and Cobblers Lane have very low traffic flows such that cycling on the carriageway can be promoted. Within Rossett, Chester Road has a 30mph speed limit (and a short 20mph section) with traffic calming features and interactive speed signage to further facilitate cycle links to local services and amenities.
- 7.7 Overall, it is considered that the site access and general highway improvements are suitable to accommodate development at Broad Oak Farm in Rosset. It should be noted that WCBC Highways have indicated that they can support the applications for a combined total of 18 dwellings, subject to the highways improvements that have previously been presented by the applicant.

8.0 NATIONAL POLICY ASSESSMENT

PLANNING POLICY WALES (2016) EDITION 9

- 8.1 Planning Policy Wales (PPW) sets the context for sustainable land use planning policy in Wales, within which local planning authorities' statutory Unitary Development Plans and Local Development Plans are prepared and development control decisions on individual applications and appeals are taken. The following sections of PPW are considered relevant to the application. Key points have been highlighted in bold (our emphasis).

Chapter 3: Making and Enforcing Planning Decisions

- 8.2 Paragraph 3.1.3 states: *"In line with the presumption in favour of sustainable development (see 4.2), applications for planning permission or for the renewal of planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies (see 2.14 and 4.2)".*
- 8.3 *The application is considered to be in accordance with the adopted development plan for the area, with further material considerations to support.*

Chapter 4 – Planning for Sustainability

- 8.4 Paragraph 4.4.3 states: *"In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should:*
- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible*

avoiding development on greenfield sites (Sections 4.7, 4.8 and 4.9)".

- 8.5 Paragraph 4.3.1 sets out several sustainable development principles, amongst these, planning should aim to have:
- *respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;*
- 8.6 *The proposal minimises land take by utilising previously developed buildings, avoiding development on Greenfield sites. The removal of hardstanding and the introduction of new garden areas with associated trees and plants will considerably enhance the biodiversity of the site. Consideration will be given to the use of permeable parking areas.*
- 8.7 Paragraph 4.5.7 states: *"Planning to minimise the causes of climate change means taking decisive action to move towards a low carbon economy (see Section 12.8) by proactively reducing the demand for energy (see Chapter 8 and Section 12.8), facilitating the delivery of new and more sustainable forms of energy provision at all scales (see Section 12.8) and minimising the emissions of greenhouse gases to the atmosphere".*
- 8.8 *The development minimises carbon emissions by utilising existing buildings, with energy already locked into the construction. Fewer new materials and their associated emissions from production, transport and construction stages will be required. This is an important factor to consider when assessing the sustainability of the scheme.*
- 8.9 Paragraph 4.7.7 states: *"For most rural areas the opportunities for reducing car use and increasing the use of walking, cycling and public transport are more limited than in urban areas. In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities and*

be identified as the preferred locations for most new development including housing and employment provision”.

8.10 *The site is not located within the centre of Rossett but can be reached by methods other than private car. Cycling is a viable option and there are public transport links within Rossett in the form of a bus service. There is an existing pavement on Llyndir Lane along the site frontage which extends past the main farmhouse, leading to a public footpath. The path provides pedestrian access to Rossett, reducing the requirement for residents to walk along Llyndir Lane.*

8.11 Paragraph 4.7.8 states: *“Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation”.*

8.12 Barn conversion schemes are not typically located within or directly adjoining existing settlements, however this should not be a limiting factor to their success. Location is but one aspect of sustainable development.

8.13 The paragraph proceeds to say that: *“All new development should respect the character of the surrounding area and should be of appropriate scale and design”.*

8.14 *The development will respect the character of the surrounding area in utilising existing buildings and retaining their traditional character and form, with sensitive alterations where necessary.*

Green Barrier

8.15 Paragraph 4.8.1 states: *“Around towns and cities there is often the need to protect open land. Local planning authorities need to consider establishing Green Belts and making local designations, such as green wedges. Both Green Belts and green wedges must be soundly based on a formal assessment of their contribution to urban form and the location of new development and can take on a variety of spatial forms. The essential difference between them is the issue of permanence. Land within a Green*

Belt should be protected for a longer period than the current development plan period, whereas green wedge policies should be reviewed as part of the development plan review process”.

8.16 Paragraph 4.8.17 states: *“The re-use of buildings in a Green Belt or green wedge is not inappropriate development provided that:*

- the original building is substantial, permanent and capable of conversion without major reconstruction;*
- the new use will not have a greater impact on the openness of the Green Belt or green wedge and the purposes of including land within it. Strict control will need to be exercised over the extension, alteration or any associated use of land for re-used buildings; and*
- the building is in keeping with its surroundings”.*

8.17 The re-use of the barn buildings at Broad Oak Farm would not constitute inappropriate development in the Green Barrier. The structural survey (see Chapter 6) has concluded that the original buildings forming the focus of the development are substantial and capable of conversion without major reconstruction. The development will not increase the footprint or height of existing buildings and will therefore have no greater impact on the openness of the Green Belt (Green Barrier). The buildings are in keeping with their surroundings and this compatibility would not be compromised through the conversion.

8.18 *The development utilises existing, vacant buildings and strictly speaking constitutes previously developed land. With reference to Figure 4.4 from PPW it is clearly stated that, with reference to land and buildings associated with agriculture, they are specifically excluded from the definition where they are currently in use. Whilst the established Planning use is agricultural, the appeal site is currently vacant and the land or buildings that make up the appeal site have not been in agricultural use since 2001.*

Figure 4.4 Definition of Previously Developed Land

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures.

Excluded from the definition are:

land and buildings currently in use for agricultural or forestry purposes;

land in built-up areas which has not been developed previously, for example parks, recreation grounds and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings;

land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings;

previously developed land the nature conservation value of which could outweigh the re-use of the site; and

previously developed land subsequently put to an amenity use.

8.19 *The proposal will assist in regeneration and relieve pressure to some extent on more valuable Greenfield sites in the Borough. The development will make a contribution towards overall housing land provision and constitutes sustainable development.*

8.20 There is currently shortfall of housing within the Wrexham Borough, below the required five year land supply. It is our understanding that the Council are looking to release areas of land from the Green Barrier to meet housing needs. The proposal at Broad Oak Farm to utilise existing buildings within a previously developed site will reduce the

pressure to release and build upon undeveloped Green Barrier land elsewhere.

- 8.21 Paragraph 9.2.22 states: *"In planning for housing in rural areas it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment. There should be a choice of housing, recognising the housing needs of all, including those in need of affordable or special needs provision. In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled"*.
- 8.22 *The proposal provides for a mix of housing type, including a good proportion of smaller homes, aimed at first time buyers and younger families, recognising the housing needs of all. The character and appearance of the countryside will be safeguarded through the sensitive restoration and conversion of the existing barn buildings. The site whilst not in the centre of Rossett, is far from an isolated rural location.*

Chapter 7 – Economic Development

- 8.23 Paragraph 7.2.2 states: *"Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations"*.
- 8.24 Broad Oak Farm as an active source of economic activity has ceased to function for over 15 years and will not continue as a farm. The residential development will create economic benefits during the construction, design and supply stages. There will be an increased resident population in the area contributing towards sustaining local services and facilities.

TECHNICAL ADVICE NOTES (TAN)

- 8.25 Technical Advice Notes within Wales are comparable to Supplementary Planning Guidance in England and should be read in conjunction with Planning Policy Wales. Alongside their use in the preparation of local development plans, TAN's can be classed as a material consideration when deciding on planning applications.
- 8.26 The following Technical Advice Notes are considered particularly relevant and have been taken into account during the planning and design of the development:

TAN 1 – Joint Housing Land Availability Studies (2015)

- 8.27 TAN 1 states that the purpose of a Joint Housing Land Availability Study is to provide an agreed statement of residential land availability for development planning and development management purposes.
- 8.28 This the Welsh Government national policy requirement for local planning authorities to ensure sufficient land is genuinely available to provide a 5 year supply of land for housing. Wrexham Council is currently unable to demonstrate a five year housing supply.

TAN 5 – Nature Conservation and Planning (2009)

- 8.29 This note provides advice on areas including the key principles of positive planning for nature conservation, nature conservation in Local Development Plans and development management procedures.

TAN 12 – Design (2014)

- 8.30 In relation to conversion or adaptation of agricultural buildings, character retention will often involve the least amount of change possible to external appearance. Solidity and simplicity in design and relationship of built form with landscape provide the distinctive character of many Welsh rural areas. The fragility of these qualities and the important contribution which local distinctiveness makes to a sustainable future for rural areas should be reflected in development plan policies and guidance.

- 8.31 TAN 12 also provides wide ranging advice regarding good design for transport, buildings, biodiversity, the landscape, housing and layouts.

TAN 15 – Development and Flood Risk (2004)

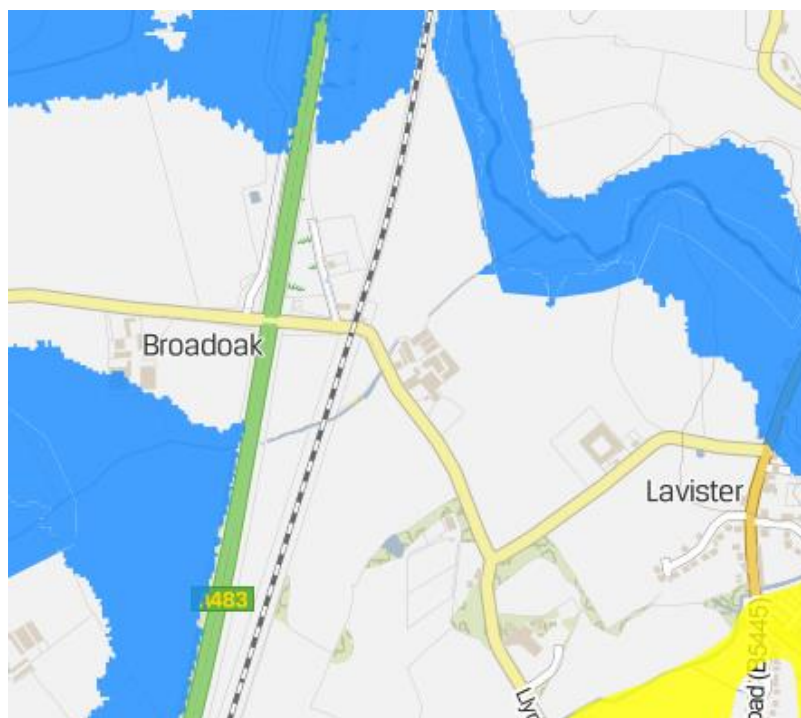
- 8.32 TAN15 contains a development advice map (DAM). This is the Assembly Government's map, based on Environment Agency and British Geological Survey mapping.

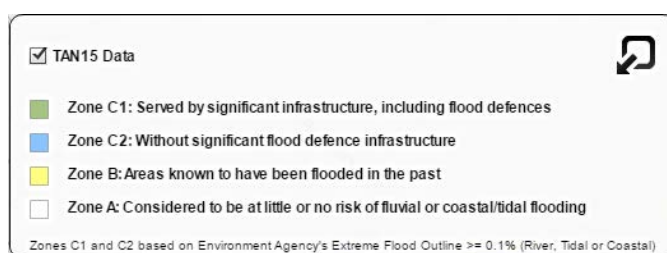
- 8.33 The DAM shows three development advice zones, A, B, C. Zones A and B are areas of generally low risk (i.e. outside the main river flood plain). Zone C represents the extreme flood outline, and is further subdivided into two zones. These are:

C1: described as "Areas of the floodplain which are developed and served by significant infrastructure, including flood defences." and

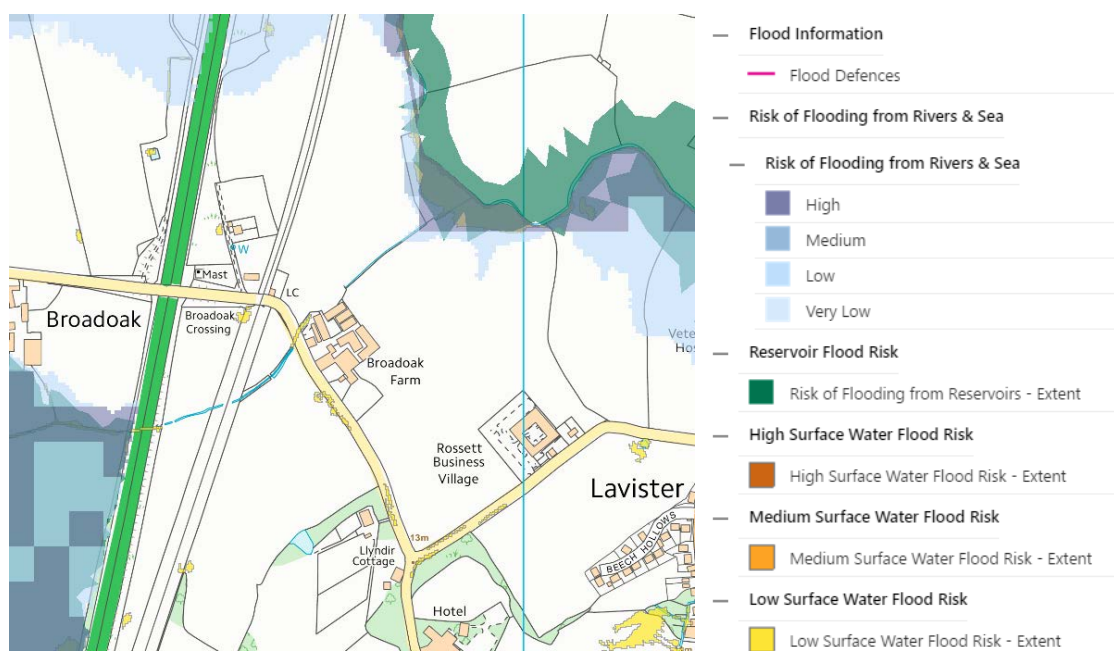
- 8.34 C2: described as "Areas of the floodplain without significant flood defence infrastructure."

- 8.35 *The site is not located within any identified flood zone as shown on the map extract below.*





8.36 Similarly the Natural Resources Wales Flood Map shows the site is not at risk of flooding from surface water or rivers and sea sources.



TAN 18 Transport

"Integration of land use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development. It is important to:

- *promote resource and travel efficient settlement patterns;*
- *ensure new development is located where there is, or will be, good access by public transport, walking and cycling thereby minimising the need for travel and fostering social inclusion;*
- *manage parking provision".*

9.0 LOCAL PLAN POLICY ASSESSMENT

- 9.1 The site falls within the administrative boundary of Wrexham County Borough Council. Wrexham Council is currently in a transition stage between their existing adopted Unitary Development Plan (1996 – 2011) (adopted 2006) and the emerging Local Development Plan for the period 2013 to 2028. The emerging plan is expected to be adopted in March 2018.
- 9.2 Although the existing UDP has technically expired, until such time when it is superseded by the emerging Local Development Plan, it will continue to be used as the most current planning policy document. The formation of the emerging Wrexham Local Development Plan is still in progress. There is a preferred strategy document available which is the first formal publication in the new Local Development Plan preparation process.
- 9.3 The current Unitary Development Plan sets out the Council's existing policies and proposals for the way in which land, buildings and infrastructure should be developed. The plan is accompanied by several detailed proposals maps which shows various allocations (linked to specific policies) for particular pieces of land with an aim of guiding future development.
- 9.4 Policy H3 – Conversion of Buildings Outside Settlement Limits
- "The change of use or conversion of a building to residential use outside settlement limits will only be permitted where:-*
- a) in the case of agricultural buildings, there is no longer an agricultural need and alternative non-residential uses have proved inappropriate; and*
 - b) the building is structurally sound and capable of conversion without extensive rebuilding tantamount to the erection of a new dwelling; and*
 - c) any inherent characteristics of merit in the building are retained; and*
 - d) the proposed dwelling and the resulting curtilage does not constitute an undesirable intrusion into the landscape, create access problems, nor require the provision of services at public cost; and*
 - e) the floor plan of the existing building is sufficient to create a habitable dwelling".*
- 9.5 Paragraph 6.10 of the UDP as supporting text to Policy H3 states that new homes can be created from the conversion of redundant

buildings and the sub-division of larger residences. The paragraph acknowledges that there are a significant number of vacant and underused properties in the County Borough. Conversion can provide much needed smaller accommodation more quickly than would the provision of new homes and, at the same time, ensure a satisfactory re-use of existing resources and supplement conservation policies.

- 9.6 *"The sympathetic conversion of redundant non-residential buildings to housing accommodation should be encouraged, providing that basic design standards can be achieved and it can be proven that the agricultural use has ceased and alternative non-residential are identified as inappropriate. In this way buildings of historic or architectural interest, often set in landscaped grounds of considerable interest, can be saved thereby also helping to achieve the Plan's environmental strategy".*
- 9.7 Policy H3 forms the principal policy is support of the application in allowing for the conversion of agricultural buildings to residential use.
- 9.8 a) of policy H3 states that, where agricultural buildings are proposed for residential use, it must be demonstrated there is no longer an agricultural need for the buildings and alternative non-residential uses have proven inappropriate. The buildings have ceased to be used for their original purpose for a significant period of time (over 15 years) and no longer represent appropriate accommodation for modern agricultural practices. This is illustrated by the absence of any significant materials or paraphernalia within and surrounding the buildings.
- 9.9 Alternative uses are not appropriate for the site and there is not considered to be the demand in this location for such a large amount of office space that the site could offer in terms of building floor areas.
- 9.10 b) – A series of supporting structural surveys reveal that the buildings are structurally sound. They are of a substantial construction with strong, permanent materials and capable of conversion without extensive rebuilding tantamount to the erection of a new dwelling. It is understood that new roofs and floors will be required. However this is a common aspect of barn conversions involving buildings which have been vacant for some time and will likely be required in order to meet building regulations.

- 9.11 The Atcost concrete framed barns, whilst slightly less traditional in nature than some buildings on site, represent an opportunity to create a high quality conversion and it is considered that the appearance of the building will be transformed once a new tiled roof, door and window openings and roof lights are fitted.
- 9.12 c) – Barns A and B feature the most inherent characteristics of merit that will be retained e.g. diamond brick vents, door headers and brick corbelling at eaves level. Other buildings features limited historic character, nevertheless any features and characteristics of merit will be retained and enhanced wherever possible.
- 9.13 The pig farming industry was very dominant in the surrounding area at one time. The re-use and conversion of the existing buildings ensures that the history of the area is maintained and reflected in the development.
- 9.14 d) - The residential curtilages and new parking area will all be contained within the existing built up form of the farm buildings and will protrude no further into the surrounding countryside than the existing development. There is a distinct existing fence line at which the surrounding fields stop, which will form the new site boundary and residential curtilages. Access to the site is to be improved and will prove adequate for residential use.
- 9.15 e) - The floor plans of all of the barns are of a sufficient scale to create habitable dwellings.

9.16 Policy H5 – Housing in the Countryside

"Outside defined settlement limits new dwellings will only be permitted where:-

a) proposals accord with Policies H3, H4, and H8; or

b) proposals comprise infilling subject to Policy GDP1; or

c) an essential need to house a full time agricultural or forestry key worker can be established and

i) the long term financial viability and functional management of the enterprise is proven; and

ii) the person, due to the nature of the work, has to live on the site rather than in a nearby settlement; and

iii) there are no suitable buildings nearby which could be converted into a dwelling; and

iv) the new dwelling is sited adjacent to an existing building, can be landscaped, and is of a form, bulk, design and materials which reflect the locality's rural character.

Any permission will be conditioned to limit residential occupancy to essential workers”.

9.17 The proposals are considered to accord with Policy H3, referenced within Policy H5.

9.18 Local Planning Guidance Note 3 (converting rural buildings, 2006) explains the approach of Wrexham Council with regards to the change of use or conversion of rural buildings and expands upon policies GDP1, H3, E5 and CLF9 from the Wrexham Unitary Development Plan.

9.19 The note states that there are some buildings which are unsuitable for conversion, including those which are:

- *structurally unsound;*
- *roofless, missing substantial sections of wall, or so ruined that only vestiges remain of the original structure;*
- *of temporary construction;*
- *eyesores which should be removed in the interests of landscape conservation;*
- *unsuitable in terms of size and form of construction;*
- *at risk of flooding*

9.20 The barn buildings which are proposed to be retained and converted at Broad Oak Farm do not fall into any of the above categories.

9.21 In addition, guidance states that planning permission would not normally be granted if:

- *there is insufficient floor area in the existing building to provide acceptable standards of accommodation (in the case of conversions to dwellings, this should be a minimum of 40m²);*
- *the proposals involve rebuilding more than 10% of the walls if the roof structure needs to be rebuilt; or 20% of the walls if the roof structure is to be retained.*

- 9.22 The buildings are of a sufficient floor area to provide acceptable standards of accommodation. The roofs of the barns will require reconstructing. The structural survey states that within Building B no more than 15 – 20% of walls will need to be rebuilt. In building A repointing will need to take place.
- 9.23 In terms of development principles, it is essential that converted buildings should keep their original character and not have the appearance of being fundamentally new structures. The aim should therefore be to retain such key features.
- 9.24 Where the building has no original or traditional features of merit, the Council will expect the design of a conversion to reflect the vernacular character and appearance of other buildings in the locality.
- 9.25 Several design and layout principles are set out, with regard to: walls, roofs, windows and doors, internal features, internal features, drainage and waste, heating and ventilation, extensions and additions, curtilages and landscaping and protected wildlife.
- 9.26 Part 2 of the Guidance Note relates specifically to the conversion of agricultural buildings to dwellings. Several material considerations are set out for when it is proposed to convert an agricultural building to a dwelling:
- 9.27 *General Location – In many instances, buildings located in very remote areas will be unsuitable for non-residential uses.*
- 9.28 Broad Oak Farm is not located in a remote area.
- 9.29 *Local Road Network – For road safety reasons, the intensive use of narrow, single-carriageway country lanes with few passing places is normally undesirable. If a building is served by an unclassified road less than 4 metres wide (as defined on the 1:25,000 and 1:50,000 scale Ordnance Survey Maps), its use for business, commercial or tourism purposes may therefore be inappropriate.*
- 9.30 Commercial uses at the site would not be acceptable given the relatively narrow width of Llyndir Lane.
- 9.31 *Site Access – Where the site access is narrow and/or shared with other premises; or where visibility is obstructed by buildings and boundary walls, its use by significant levels of additional traffic may*

be hazardous. In such circumstances, conversion of the building to residential use may be the only safe option, although in extreme cases, even this may be unacceptable.

- 9.32 The proposal will make use of existing access points and visibility plays will be improved to the required standard.
- 9.33 *External Appearance – Conversions of agricultural buildings should seek to maintain the agricultural character and appearance of the existing structure. While this can normally be achieved by residential conversions, commercial uses may require the insertion of larger windows, delivery doors, air vents and the attachment of other external equipment.*
- 9.34 *Scale and Form of Construction – Some farm buildings (particularly those of comparatively recent construction) resemble industrial units and rarely lend themselves to sympathetic residential conversion. Such buildings are clearly more suited to a non-residential use.*
- 9.35 Currently the concrete framed buildings, whilst less traditional in nature than the brick built slate roofed barns, are not an eyesore. They features good quality brick infill, strong structural frame and would be transformed following the fitting of a new roof and new windows and door openings. It is evidence that the barns are more akin to traditional barn buildings than modern portal framed barns, which in comparison often feature corrugated metal cladding and roofs and are clearly unsuitable for conversion.
- 9.36 *Proximity to existing business sites and buildings – Where there is a significant number of sites and buildings already available for business purposes in the locality (for example, on an industrial estate), it is unlikely that the need to retain agricultural buildings for commercial purposes will be very strong.*
- 9.37 The site is located close to Rossett Business Village and there is not considered to be a requirement for further business floor space within the locality.
- 9.38 Part 3 of the Guidance Note sets out information required to assess the suitability of buildings for conversion.

- 9.39 This includes a survey report detailing the condition of the buildings. The report must be prepared by a structural engineer or other suitably qualified person and must demonstrate that the buildings are structurally sound and is capable of conversion without extensive rebuilding. Such a report has been produced historically by Adams Consulting Engineers Ltd and more recently by Huxtable Hodgson, the results of which are supportive of the residential conversion proposal.
- 9.40 In summary the proposed development is considered to comply with relevant information contained within Guidance Note 3.
- 9.41 In final summary, this policy compliant proposal will generate housing of a type and affordability much needed in the locality. Providing a net benefit in the locality in terms of highway safety and openness of the Green Barrier, whilst making best use of brownfield development in a sustainable location that will contribute to the Council's wholly inadequate 5-year housing land supply.

10.0 PRECEDENT DECISIONS

- 10.1 Whilst planning appeals and applications are considered independently and on an individual basis, there are several recent decisions made under similar circumstances in the Wrexham area that act as strong precedent. Consistency in decision making in the Planning system is paramount.
- 10.2 As referenced in the submitted grounds of appeal, there are several comparable developments in the surrounding area which evidence a different approach, i.e. a more supportive, to that taken in the determination of the applications at Broad Oak Farm. These decisions effectively contradict the basis of the refusals that are the subject of these appeals, particularly with reference to suitability of the buildings for conversion and the extent of design changes permitted.
- 10.3 As referenced previously in this statement, the most applicable is the planning permission at Gamford Farm (P/2016/0384), a site only some 1.5 km from the appeal site and one we ask to be considered in more detail at the hearing session itself, when allocated.
- 10.4 This approved scheme, while yet to be developed represents a comparable nearby site within the local area. Existing barns are to be converted with the openness of the site and appearance of the landscape improved through demolition of all other buildings.
- 10.5 P/2016/0384 - change of use and conversion of barns to form 6 no. residential units, construction of 2no. semi-detached dwelling house (replacement of existing farmhouse) and demolition of remaining structures across the site
- 10.6 With specific reference to the reasons for refusal cited for P/2017/0623 and P/2018/0223 the key issue is the suitability of one of the buildings for conversion and the suggested extent of alteration to produce a habitable resultant building being beyond acceptable limits. In direct comparison to the approved development at Gamford Farm, principally relating to approved units 3, 4, 5 & 6.
- 10.7 A series of images are presented as Appendix 2 to this statement to reflect the extent of significant alteration that has been approved. The images depict the buildings as existing and directly compare the

approved alterations, from which it is evident that the permitted extent of alterations goes above and beyond those proposed for elements of the Broad Oak Farm proposals, particularly for building D on site 1.

- 10.8 It is further submitted that the reasons for refusal also cite the fact that a number of the buildings do not make a positive contribution to the character and appearance of the area or the surrounding landscape and are not considered worthy of retention. When compared to the approved scheme at Gamford Farm and the existing buildings approved for conversion there, it is difficult to form any conclusion other than they are in fact of an inferior quality in comparison to those rejected on the appeal site
- 10.9 As expanded upon previously in this statement, the local planning policy does not specify that a building must make a positive contribution to the character or appearance of an area or be of architectural merit to be considered for conversion. An approach clearly applied correctly for the Gamford Farm example but contradicted in the decision making on the appeal site.
- 10.10 What must be particularly noted from the precedent applications is the acceptability of a more contemporary approach being taken to the design of conversions, particularly where the existing buildings are more utilitarian in nature.
- 10.11 We request the opportunity to review precedent schemes in the context of the appeal site and highlight the comparable nature through the forum of the appeal hearing session and associated site visit.

11.0 CONCLUSIONS

- 11.1 The appeal site of Broad Oak Farm comprises several redundant farm buildings that are suitable for conversion to residential use in accordance with relevant planning policy.
- 11.2 The aim of the proposal is to create a high quality, attractive residential development which makes best use of the existing buildings present on site, improving the condition of the landscape and character / openness of the countryside in this part of the Wrexham area.
- 11.3 It is considered that the following are key factors that weigh in favour of the development:
- No agricultural need for the buildings;
 - Expectation of no commercial, industrial or tourism demand for the buildings;
 - Requirement for housing and housing land supply within the County Borough;
 - Design in keeping with the rural context of the site and character of the barns;
 - Increase in openness of the Green Barrier.
- 11.4 The site is within a sustainable location to benefit from the services and facilities present in Rossett and the wider area. The scheme will make a noticeable contribution towards the shortage of housing supply within the Wrexham Borough.
- 11.5 There will be a significant reduction overall in the built form present on the site through the demolition of several portal framed barn buildings. Large areas of hardstanding will be removed and soft landscaping introduced, resulting in a net improvement with regards to surface water runoff and biodiversity.
- 11.6 There are not considered to be any material considerations that would preclude development, when assessed against the proposals and characteristics of the site. It is respectfully requested that the appeals be allowed and planning permission be granted without delay.

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REPORT OF THE HEAD OF ENVIRONMENT AND PLANNING
7th NOVEMBER 2016

APPLICATION NO:
P/2016 /0384

LOCATION:
GAMFORD HOUSE GAMFORD LANE
ROSSETT WREXHAM
LL12 0EW

DATE RECEIVED:
18/04/2016

COMMUNITY:
Rossett

CASE OFFICER:
MP

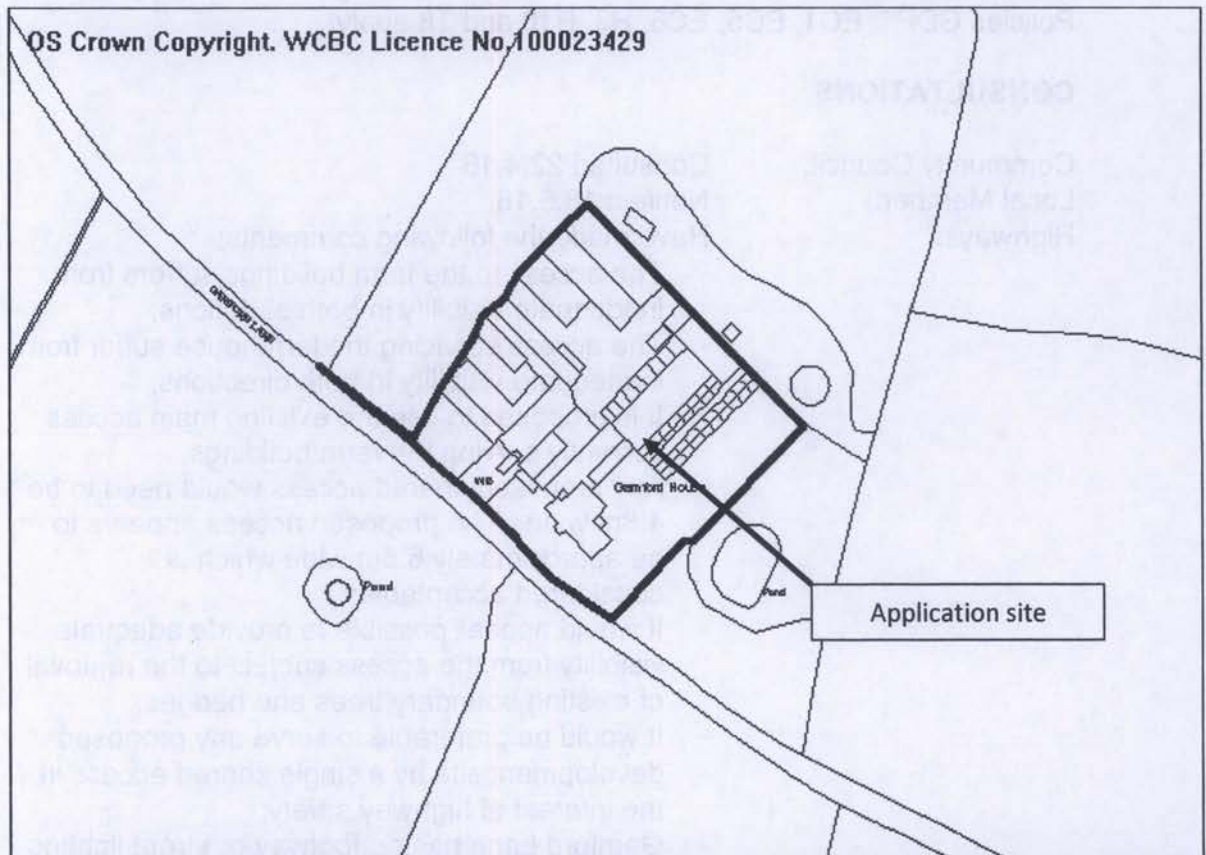
WARD:
Rossett

DESCRIPTION:
CHANGE OF USE AND
CONVERSION OF BARNs TO
FORM 6 NO. RESIDENTIAL UNITS,
CONSTRUCTION OF 2 NO. SEMI-
DETACHED DWELLING HOUSES
(REPLACEMENT OF EXISTING
FARM HOUSE) AND DEMOLITION
OF REMINING STRUCTURES
ACROSS THE SITE

AGENT NAME:
CASSIDY AND ASHTON
MR GUY EVANS

APPLICANT(S) NAME:
MR IAN GARDEN

THE SITE



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PROPOSAL

As above.

HISTORY

- | | |
|--------|--|
| 6/0036 | Erection of pig unit, grain store and storage tank.
Granted 25.4.74 |
| 6/1856 | Proposed extension to existing farm office.
Granted 29.1.76 |
| 6/0122 | Alterations and extension to dwelling and improvements to existing vehicular access.
Granted 23.5.74 |
| 6/1432 | Proposed extension to dwelling to provide additional lounge, and construction of new vehicular access.
Granted 5.9.75 |
| CB1060 | Redevelopment of site with 18 dwellings and associated garages, including conversion of existing buildings and alteration to existing vehicular and pedestrian access.
Refused 16.5.97. Appeal dismissed 19.11.97 |

DEVELOPMENT PLAN

Outside of settlement limit, within Green Barrier and Special Landscape Area. Policies GDP1, EC1, EC5, EC6, H3, H10 and T8 apply.

CONSULTATIONS

Community Council:
Local Member:
Highways:

Consulted 22.4.16

Notified 18.5.16

Have made the following comments:

- The access to the farm buildings suffers from inadequate visibility in both directions;
- The access servicing the farmhouse suffer from inadequate visibility in both directions;
- It is proposed to use the existing main access currently serving the farm buildings;
- Any proposed shared access would need to be 4.8m wide. The proposed access appears to be approximately 6.5m wide which is considered acceptable;
- It would appear possible to provide adequate visibility from the access subject to the removal of existing boundary trees and hedges;
- It would be preferable to serve any proposed development site by a single shared access in the interest of highway safety;
- Gamford Lane has no footway or street lighting provision. Pedestrians would therefore have to

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walk a significant distance along an unlit rural lane. I would therefore not consider this site to be a sustainable location to support any significant residential development;

- I would recommend any proposed development is limited to previous traffic generation levels;
- The information submitted appears to indicate that the farm previously generated a particularly high number of daily movements. Based on the information submitted the development is likely to generate fewer vehicular movements;
- The provision of 3 parking spaces per dwelling is considered adequate;
- Consideration should be given how the site will be serviced by an 11.2m refuse vehicle. The proposed site layout appears capable of accommodation the turning movements of such a vehicle;
- It is important to ensure any proposed bin store is of adequate size/design and suitably located to serve such a development
- Although the development site would not appear to meet the requirements of the settlement policies (3.4) detailed TAN17, conditions recommended if the application is supported.

Public Protection:	Recommend conditions to control/limit the impact when the development is carried out.
Education:	Consulted 26.4.16
Welsh Water:	As the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.
NRW:	The survey and assessment in respect of the great crested newt considered to be satisfactory for the purposes of informing the public decision making process. The proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of GCN. No objection, subject to the imposition of suitable conditions being attached to any planning permission in respect of the safeguard of bats.
Site Notice:	Expired 18.5.16
Neighbours:	1 objection received expressing the following comments: - Additional traffic;

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- Existing highway safety issue due to volume of traffic, speeding traffic, the lane being narrow, visibility being reduced, speeding traffic, heavy vehicles using the lane, the road being used as a rat run, the junction of Gamford Lane and Rossett Road being dangerous;
- Impact upon wildlife;
- Would support a development of 2-3 houses but this development is too big

SPECIAL CONSIDERATIONS

Policy: UDP policy H3 is applicable to existing buildings that are to be converted to 6 dwellings. Policy H10 is applicable to the proposals to demolish the existing farmhouse and erect 2 semi-detached properties. A number of other buildings will be demolished with the resulting space used to provide private garden areas, parking spaces, allotments for residents and some shared landscaped open spaces.

Conversion proposals

Policy H3 allows for the conversion of buildings in the countryside to dwellings subject to the following criteria being met:

a) in the case of agricultural buildings, there is no longer an agricultural need and alternative non-residential uses have proved inappropriate; and

The site comprises of agricultural buildings last used as a pig farm as well as a substantial farmhouse. The site does not appear to have been in regular use for some time, indeed the Design and Access Statement suggests the farm has been out of use for approximately 10 years. No consideration appears to have been given to alternative non-residential uses however Technical Advice Note 6, which is more up to date than the UDP, advises that when assessing applications for the re-use of a rural building, the primary consideration should be whether the nature and extent of the new use is acceptable in planning terms. Therefore subject to meeting the other criteria of policy H3 and other relevant UDP policies, there are no planning reasons to object in principle to the conversion of the buildings to residential use.

b) the building is structurally sound and capable of conversion without extensive rebuilding tantamount to the erection of a new dwelling; and

The buildings are in a reasonably well maintained condition and will not require extensive rebuilding works in order to convert them to residential use. Three of the buildings will be increased in height, two by 0.6 metres and the other by around 2 metres. These works do not constitute extensive reconstruction – the new build works resulting relatively modest in proportion to the resulting dwellings as a whole. The overall form of those buildings is also retained as a result of the works.

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c) any inherent characteristics of merit in the building are retained; and

The buildings are all brick built although only two have any architectural merit. The conversion proposals respect the character of those buildings. In the cases of the other buildings, the development represents a significant enhancement to their appearance.

In addition to the increases in height referred to above, two extensions are proposed, one to replace a dilapidated brick structure adjacent to one of the buildings and the other being the erection of a glazed link to facilitate the use of two other buildings as a single dwelling. In the context of the site as a whole, both extensions are relatively modest in scale and have been sympathetically designed.

One building will have a more contemporary appearance as a result of the design its window and door openings as well as the use of timber cladding and zinc coated roof. The existing building has very few openings and its appearance is of little merit. The resulting dwelling will enhance the appearance of the site and ensure that each of the converted buildings has an element of distinctiveness whilst the scheme as a whole respects the rural character of the site and its surroundings.

d) the proposed dwelling and the resulting curtilage does not constitute an undesirable intrusion into the landscape, create access problems, nor require the provision of services at public cost; and

The curtilages of the dwellings will be located within the boundaries of the existing farmyard so will not represent an intrusion into the countryside. In fact the overall appearance of the site will be enhanced by the removal of several modern but dilapidated agricultural buildings and the provision of areas of landscaping.

Three timber-framed and clad car ports are to be erected within proposed parking areas. All will be erected on the site of existing farm buildings that are to be removed. The scale and appearance of the buildings is appropriate and will represent an overall improvement to the appearance of the site.

I will comment on the site access and parking provision separately below.

e) the floor plan of the existing building is sufficient to create a habitable dwelling.

The existing buildings are large enough to create habitable dwellings without significant extensions. The extensions discussed above are relatively modest in the context of the site as a whole and enable a higher standard of development to be achieved rather than being necessary to facilitate conversion to residential use.

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Replacement of existing farm house with 2 dwellings

The existing farmhouse, whilst unoccupied and in need of modernisation, is capable of being made habitable without extensive rebuilding works. The building is not listed nor is it in a conservation area and as such is not afforded any specific protection. It is also a permanent building so there would be no policy objection in principle to it being replaced. However policy H10 only makes provision for the erection of dwellings on a one for one basis.

The applicant is proposing to erect 2 new dwellings located slightly further to the east of but still partial on the footprint of the existing dwelling. Whilst erecting 2 new dwellings in place of 1 is not strictly accord with the policy there are a number considerations that weigh in favour of the current proposals.

The existing dwelling is large enough to be subdivided into two dwellings. It has however been enlarged considerably in the past in a manner unsympathetic to the original dwelling. In its current condition the existing dwelling arguably detracts from the appearance of the site.

The proposed dwellings have been designed to look like a single farmhouse that has been had a subsidiary side extension and subsequently subdivided. The proposed dwellings are of a high standard of design and will enhance the appearance of the site.

In terms of overall scale, the floor area of the proposed dwellings will have a similar footprint to the existing dwelling although taken together the floor area will be 25% larger. The dwellings will partially occupy the footprint of the existing and partially occupy part of the existing curtilage of the dwelling. I am nevertheless satisfied that the dwellings will not have a significantly greater impact upon the rural landscape.

Green Barrier: The site lies within the Green Barrier. Policy EC1 does not specifically make provision for the conversion of buildings to dwellings or for the erection of replacement dwellings. However Planning Policy Wales advises that the re-use of buildings in a Green Wedge (which is consistent with the UDP designation of Green Barrier) provided that:

- the original building is substantial, permanent and capable of conversion without major reconstruction;
- the new use will not have a greater impact on the openness of the green wedge and the purposes of including land within it. Strict control will need to be exercised over the extension, alteration or any associated use of land for re-used buildings; and
- the building is in keeping with its surroundings.

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PPW also advises that other forms of development would be inappropriate development unless they maintain the openness of the green wedge and do not conflict with the purposes of including land within it.

The conversion of the existing buildings accords with PPW advice. Furthermore I am satisfied that the dwellings that will replace the existing farmhouse are of an appropriate size and will therefore not harm the openness of the Green Barrier. Indeed the development will contribute towards the openness of the Green Barrier by the removal of several modern farm buildings and the provision of large landscaped areas within the site.

Access and Parking: The site has two accesses, one serves the farm buildings and the other services the existing farmhouse. Both suffer from poor visibility – visibility being obstructed by hedges and trees.

The development will be served by the existing access to the farm buildings. Adequate visibility splays can be provided subject to the removal or reduction in height of existing obstructions. These works will not require the removal of any substantial mature trees. Each dwelling will be provided with at least 3 parking spaces which accords with LPG16 - 5 x 4 bedroom dwellings and 3 x 3 bedroom dwellings being proposed. There will also be space for vehicles to turn within the site, include a refuse lorry.

Whilst noting the concerns regarding traffic from the site and along Gamford Lane, the existing site is a large farm complex. The site could revert to its previous use without the need for planning permission and based on information submitted by the applicant, this used to generate up to 117 vehicular movements per day, including HGVs and agricultural vehicles. By comparison 8 dwellings are likely to generate around 88 movements per day. With the exception of refuse collection vehicles, the proposed development is far less likely to be visited by large vehicles than the previous agricultural use.

Highways have expressed doubts about the sustainability of the site and have requested conditions be imposed to require street lights to be installed from the site along Gamford Lane to Darland Lane and for the implementation of a 30mph zone along Gamford Lane. I do not believe these conditions meet the test of being necessary as set out in Circular 06/2014.

National and local planning policies allow for the conversion of buildings to residential use the countryside, which inevitably result in dwellings in areas inaccessible by public transport and without dedicated pedestrian provision or street lights. The proposed development will result in a net increase of 7 dwellings on the site. This will not significantly increase pedestrian usage of Gamford Lane and, given the traffic generated by the previous use, will on balance be of benefit to pedestrians who use Gamford Lane. Finally Highways have confirmed that the proposed access arrangements are acceptable. It would therefore be difficult to justify refusing permission were the condition Highways have requested not imposed.

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Ecology: A bat roost has been identified in the existing dwelling. The other buildings also have features that make them suitable for use by bats. The application is accompanied by a mitigation scheme that includes compensatory habitat. A precautionary approach to demolition and the use of lighting that takes account of the presence of bats are also proposed. Taken together these measures should ensure the development does not adversely impact upon the favourable conservation status of bat species. The implementation of the mitigation measures will be required by condition.

CONCLUSION

The development will enhance the overall appearance of the site, will not detract from the wider rural landscape, Green Barrier or highway safety and adequate ecological mitigation is proposed. As such the proposals accord with policies GDP1, EC1, EC6 and T8.

The conversion of the existing buildings to dwellings accords with policy H3. Whilst erecting two new dwellings in place of the existing farmhouse does not fully accord with policy H10, I am satisfied there are valid reasons for not strictly imposing the policy in this instance. Furthermore the overall objective of the policy to protect the rural landscape (paragraph 6.20 of the UDP) is satisfied.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of three years from the date of this permission.
2. The development shall be carried out in strict accordance with the following approved drawings:
 - i) L03 Revision P5: Proposed Site Plan
 - ii) L07 Revision P7: Plots 1 & 2 Proposed Plans & Elevations
 - iii) L08 Revision P3: Plots 3 & 4 Proposed Plans & Elevations
 - iv) L09 Revision P4: Plots 5 & 6 Proposed Plans & Elevations
 - v) L10 Revision P4: Plots 7 & 8 Proposed Plans & Elevations
 - vi) L11 Revision P1: Proposed Residents parking barn.
3. No part of the development shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) The location and specification for the bat boxes to be installed in / on plots 5 and 6;
 - ii) A detailed lighting scheme for each plot;
 - iii) A timetable for the implementation of all mitigation measures set out in the Cassidy and Ashton Gamford Farm, Rossett, Ecology Mitigation Strategy.The development shall thereafter be carried out in strict accordance with the details as approved and the Cassidy and Ashton Gamford Farm, Rossett, Ecology Mitigation Strategy.

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4. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.
5. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
6. Prior to their installation on each dwelling, drawings to scale 1:5 and 1:20 fully detailing all new or replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The details shall fully describe the proposed materials, decorative/protective finishes, method of opening and glazing type and include cross sections for glazing bars, sills and heads etc. The works shall only be carried out in strict accordance with such details as are approved.
7. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.
8. The landscaping scheme submitted and approved in connection with condition no. 07 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
9. Within three months of the commencement of development a landscaping Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be managed and maintained in strict accordance with these details as are approved.
10. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 215 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
11. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.
12. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.
13. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday unless the prior written approval of the Local Planning Authority has been obtained.
14. Notwithstanding the provisions of Part 1, Classes A, B, C, D and E of Schedule 2 of the Town and Country Planning (General Permitted

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Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any order revoking, re-enacting that Order with or without modification), no enlargements to any of dwellings the subject to this permission shall be erected and no buildings or enclosures shall be sited or erected within the curtilages of those dwellings.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure that the development fully complies with the appropriate policies and standards.
3. In order to protect wildlife interests, which are afforded special protection.
4. In the interests of highway safety.
5. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
7. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
9. To ensure landscape features are properly considered and protected.
10. To ensure that adequate visibility is provided at the proposed point of access to the highway.
11. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety.
12. In the interests of highway safety.
13. To protect the amenities of the occupiers of nearby properties.
14. In the interests of protecting the rural landscape and the character of the site and buildings.

NOTE(S) TO APPLICANT

You should ensure that any difference between the plans approved under the Town and Country Planning Acts and under the Building Regulations is resolved prior to commencement of development, by formal submission of amended plans.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

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Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environment and Planning Department on 01978 315300 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environment and Planning Department on 01978 315300 for further advice and information.

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is

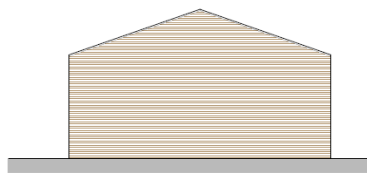
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trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

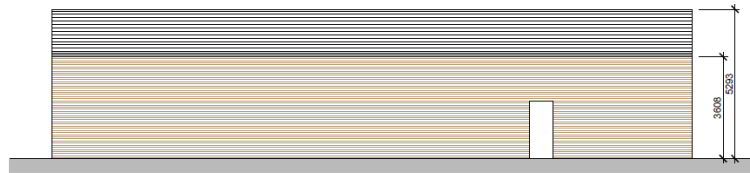
If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

Appendix 2 – Hearing Statement – Plan comparison from approved scheme at Gamford Farm, Rossett (P/2016/0384)



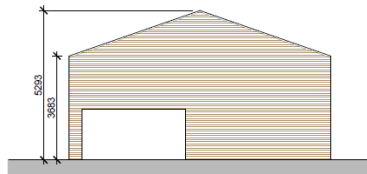
A Existing Ground Floor Plan

Scale: 1:100



B Existing Ground Floor Plan

Scale: 1:100



C Existing Ground Floor Plan

Scale: 1:100



D Existing Ground Floor Plan

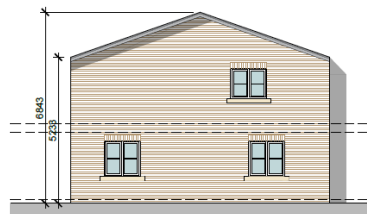
Scale: 1:100

EXISTING PLANS – units 5 & 6



A Proposed Elevation

Scale: 1:100



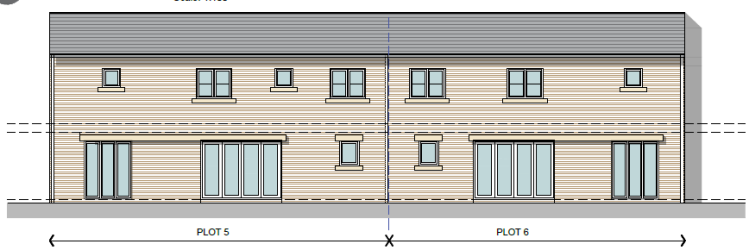
C Proposed Elevation

Scale: 1:100



B Proposed Elevation

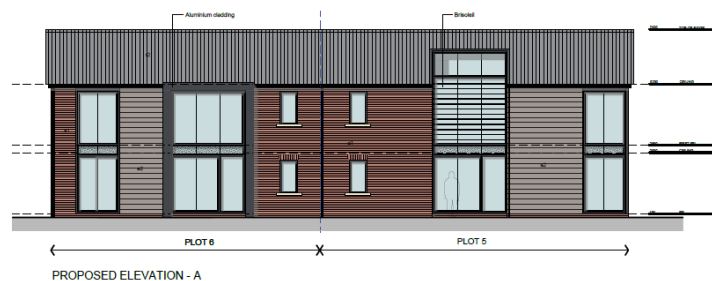
Scale: 1:100



D Proposed Elevation

Scale: 1:100

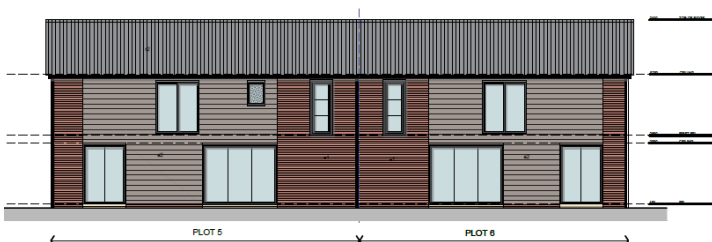
SUBMITTED PROPOSED PLANS – units 5 & 6



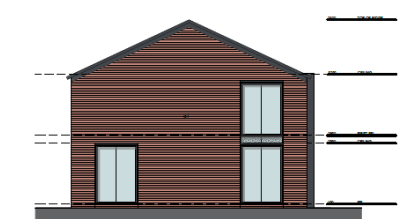
PROPOSED ELEVATION - A



PROPOSED ELEVATION - B

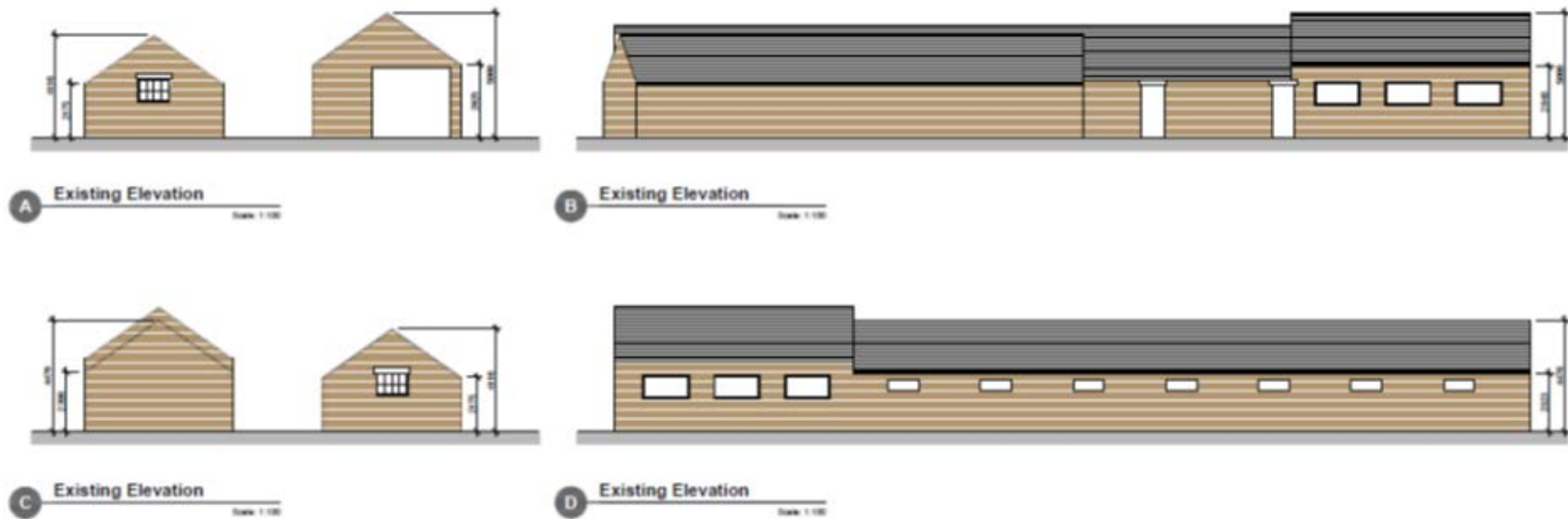


PROPOSED ELEVATION - C

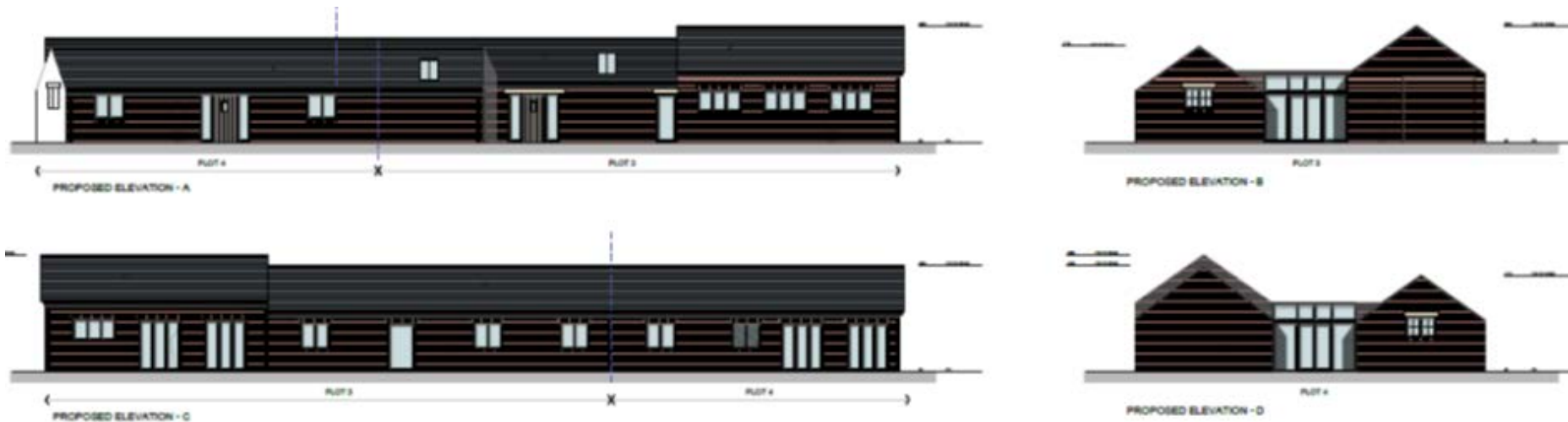


PROPOSED ELEVATION - D

APPROVED PROPOSED PLANS – units 5 & 6



EXISTING PLANS – units 3 & 4



APPROVED PROPOSED PLANS – units 3 & 4