

The Planning Inspectorate



Further information about us and the planning appeal system is available on our website
www.planning-inspectorate.gov.uk



For official use only
Date Received

PLANNING APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name **MR R BELLIS**
Organisation Name (if applicable) **BELLIS BROTHERS COUNTRY MARKET ET.**

B. AGENT (if any) FOR THE APPEAL

Name **MR S H MILES**
Organisation Name (if applicable) **MILES DESIGNS LTD**
Your Reference **15-04**

C. LOCAL PLANNING AUTHORITY (LPA)

Name of the LPA **WREXHAM COUNTY BOROUGH COUNCIL**
LPA's application reference no. **HOL P2015 0749 & 0750**
Date of the planning application **300915**
Date of the LPA's decision notice (if issued) **030316**

D. APPEAL SITE ADDRESS

Address **FORMER BAPTIST CHAPEL CHAPEL STREET
T HOLT WREXHAM**
Postcode **LL13 9DJ** Note: Failure to provide the full postcode may delay the processing of your appeal.

E. DESCRIPTION OF THE DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised while it was with the local planning authority for consideration, you may enter a description of the revised scheme. Please enclose a copy of the LPA's agreement to the change.

CONVERSION OF FORMER BAPTIST CHURCH
 INTO ONE RESIDENTIAL UNIT. PART OF THE
 WORKS IS TO REMOVE THE EXISTING
 BALCONY INTERNALLY FORM ONE NEW
 WINDOW OPENING IN THE REAR WALL
 REMOVE CORRUGATED ASBESTOS SHEET TO
 THE REAR ROOF OF THE SINGLE STOREY
 EXTENSION AND REPLACE WITH WELSH BLUE
 GREY SLATE

Size of the whole appeal site (in hectares) 0.01

Area of floor space of proposed development (in square metres) 180.08

Has the description of the development changed from that entered on the application form? YES ☐ NO ☒

Is flooding an issue? YES ☐ NO ☒

Does the development affect the setting of a listed building? YES ☐ NO ☒

Is the appeal site within an Area of Outstanding Natural Beauty? YES ☐ NO ☒

Does the site lie within a conservation area? YES ☒ NO ☐

Does the site lie within a green belt/green wedge? YES ☐ NO ☒

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

Please tick **ONE** box only ✓

- 1 Refuse planning permission for the development described in Section E. 1 ☒
 - 2 Grant planning permission for the development subject to conditions to which you object. 2 ☐
 - 3 Refuse approval of the matters reserved under an outline planning permission. 3 ☐
 - 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object. 4 ☐
 - 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). 5 ☐
- OR**
- 6 The failure of the LPA to give its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. 6 ☐

G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine appeals. In short there are 3 possible methods:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views. ✓

1 WRITTEN REPRESENTATIONS

W ☒

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and change of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

- a) If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? YES ☐ NO ☒
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES ☒ NO ☐

If the answer to 1b is 'YES' please explain

TO VIEW INTERNAL SPACE AND ASCERTAIN
POSSIBLE IMPACT OF PROPOSALS.

2 HEARINGS

H ☐

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission which the Local Planning Authority and the appellants(s) will be represented. Members of the public, interested bodies (e.g. Community/Town Councils) and the press may also attend. At the hearing the inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

3 INQUIRIES

I ☐

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are suggested for appeals that:

- are complex and particularly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

H. GROUNDS OF APPEAL

If you have requested the written procedure, please provide your **FULL** grounds of appeal.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive to enable to LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

Refusal notice refers to wholesale replacement of windows. I deem this as not correct. Following a meeting with the Case Officer and Conservation Officer on Friday the 8th January 2016 my understanding was:

As access to all windows was not possible at this time and all the windows were boarded over to the external elevation, we would carry out a full and detailed survey prior to work commencing. We could ascertain condition of each window and then agree a schedule of repair / replacement. I issued a revised drawing 15/04-03 Rev A, a copy is attached in the Appendix, stating this approach. I was agreeable to this item being a condition of any approval. I deem this item as being resolved and should not form the basis of refusal.

Item 2 of the refusal notice HOL P/2015/0750 states insufficient information has been provided with regard to the impact of bats and breeding birds.

This information was never requested when the application was validated. The issue was only mentioned at the meeting of the 8th January 2016 where the Case Officer stated it had been an oversight on their part that this information had not been requested. I was advised to get a survey at this time, a visual survey may have sufficed due to the time of year or if left to

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a later date, when the breeding season, had commenced, a full written report may be necessary. Due to my client wishing for a decision and the Ecologist I use having a 4 week lead in period, I decided to allow it to be conditioned.

At no time was there a refusal on my part to provide the information and I was not lead to believe that without this information it would form part of the refusal. It is not uncommon to have this item conditionally approved and I deem this unreasonable to use this as a reason for refusal, especially when originally an oversight in the validation process.

The refusal states the design is unsympathetic. This is subjective. The Conservation Officers comments state that the original central focus should remain and the existing decoration to the rear should be repaired / retained. Following discussions it was deemed that due to the loss of detail and condition a photographic record would be sufficient and retaining this feature was no longer required.

I deem that with this and the agreement to increase the existing door opening, new kitchen and the one new window the rear wall no longer has the central focus. My design has now focussed on the one original feature which we intend to retain and re-use, the fireplace. This is now the central focus. As you enter the building the walls to the proposed office / study are

H. GROUNDS OF APPEAL

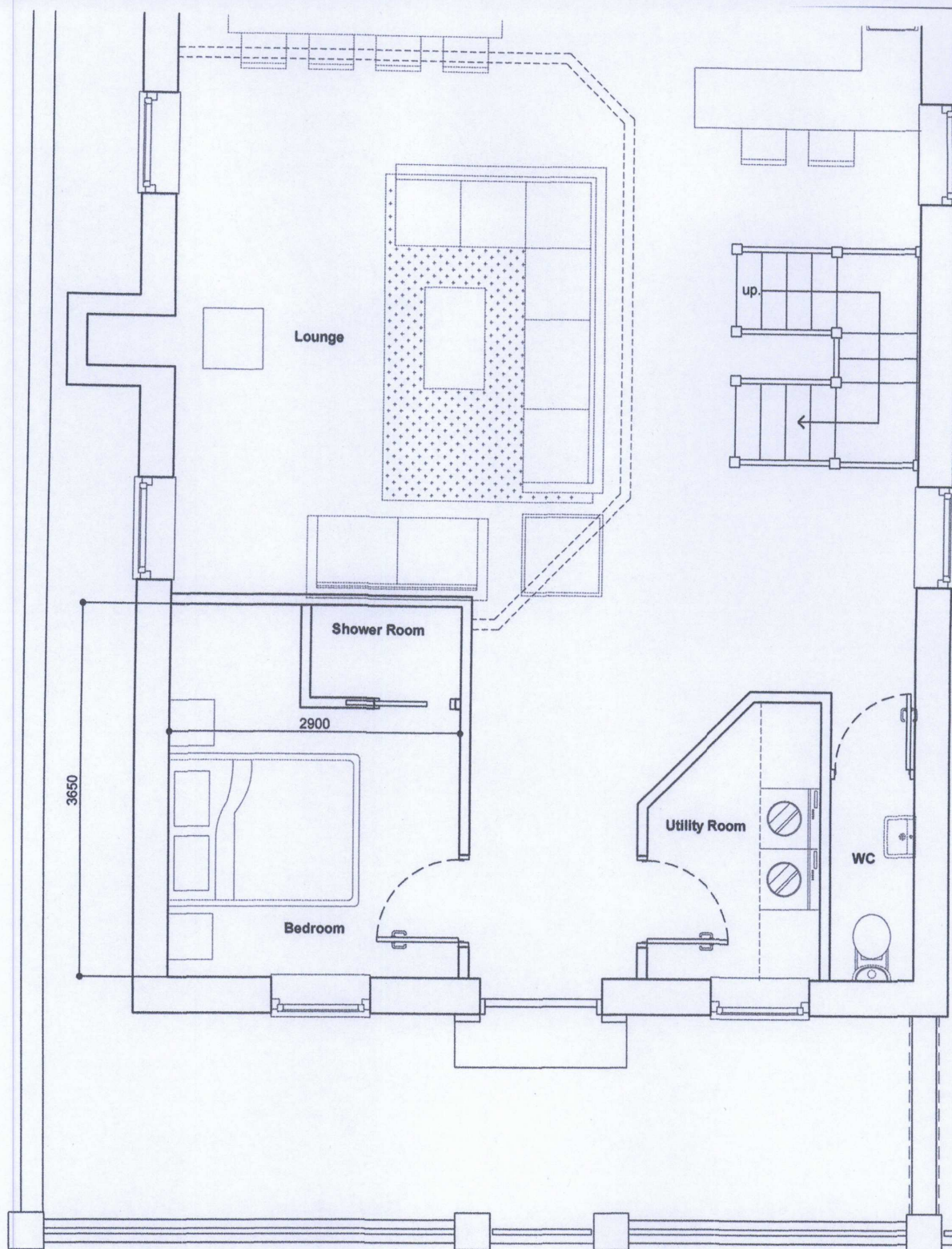
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played leading directly to the 2 storey lounge. The existing windows either side of the fireplace give a light / airy space. I verbally agreed that subject to a Structural Engineers report the existing cast iron columns and the front section of the balcony will remain. The new mezzanine providing the front bedrooms and bathrooms would be built of a new structure, part of this using the existing structure for support so reducing damage to the existing walls. A new staircase will be inserted, although location was still not fully agreed, this would require a landing to the first floor so the mezzanine area increases to allow for this. So accepting the above design approach it seems logical to form a mezzanine to the rear of the building. This balances the 2 storey section above the Lounge and provides a third master bedroom and ensuite that a residential property of this area, 180 square metres, would be expected of a modern property. The Conservation Officers suggestion of forming this Bedroom on the ground floor in lieu of the Study is in my opinion inappropriate as the area would have to be increased to form an adequate sized room and a shower room would still have to be incorporated as the bathroom is on the first floor. I believe this suggestion does not work and destroys the balance of the internal space. I have drawn this suggestion and attach a copy for reference.



Proposed Ground Floor Plan.
for ground floor Bedroom.

1:50. Indicating Conservation Officers proposal

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Part of the refusal is based on my proposal to dry line and insulate the external walls.

I accept that there are other options, insulated lime plaster, as suggested by the Conservation Officer. I believe that my proposal provides a better U-value and has been accepted by other Conservation Officer and CADW on a previous scheme. Reference and details are included in Appendix

The assumption is that my proposal would have a detrimental impact and cause harm to the fabric of a listed building. I accept technically that old buildings breath because of the construction. Old buildings that were residential were usually draughty and had open fire places so water vapour produced from cooking / bathing were dispersed easily before damage was caused to the fabric, water that did penetrate the fabric dried out naturally. It has been accepted that the building can be converted to residential use, therefore moisture created with this use, which can cause damage to the fabric, is present.

Most moisture is produced from cooking, bathrooms and utility rooms. This moisture can be controlled and expelled by ventilation in the forms of fans, operable windows to these rooms. The proposal allows for an insulated board to the lining. This board has an integral vapour barrier which controls water vapour entering the board and subsequently the fabric of the building.

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The detail drawn also indicates an air gap to the rear of the insulation board. This gap can be ventilated at starting and ceiling level. Any moisture that does penetrate the dry lining or brickwork can be dried naturally, although it is highly unlikely for this to occur. The detail and products proposed are based on manufacturers standard details for use in upgrading buildings with solid wall construction.

With regard to the external skin of brickwork insulating the building internally would have no detrimental effect. This is due to the brick/mortar absorbing rain but then drying out naturally through the external face by sun/wind. So long as the bricks and pointing are in good repair, which in this case they are and limited repairs, re-pointing is limited, the chances of water penetrating to the internal face of the brick is highly unlikely. I would therefore dispute the fact that my proposal has a detrimental effect or stops the building breathing.

Reference is made to Chapter 6 of the Planning Policy Wales and Tm 12 and Policy EC9 of the Wrexham UDP. My interpretation of these documents differs from the Local Authority officers. The refusal states proposals are contrary to Policy EC9, Planning Policy Wales Clause 6.5.7 states there is no statutory requirement to have regard for provisions of the development

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plan when considering applications for listed buildings. Similarly the policy states that it is desirable to preserve historic building and be flexible. I deem that the local Authority have not adhered to this approach by their refusal to consider and check on my proposals for insulating the walls, but instead have stated they would only accept the system they put forward. They have not been flexible on the design. The Planning Policy Wales states its main aim is to secure a buildings future. For this building to be viable it has to provide a certain level of accommodation and design. I believe my approach is rational and logical use of the space. Providing only 2 Bedrooms or having a third Bedroom on the ground floor does not justify the investment by clients will have to make on the refurbishment. The ground floor Bedroom in my opinion will be detrimental to the design of the entrance and lounge area.

The refusal also states it is contrary to TAN 12 but without being specific. I deem that the scheme complies with the requirements of this document. I assume they are referring to the need for good design and deem my proposals as unacceptable, this I deem as subjective and not reasonable grounds for refusal based on my grounds for the proposed layout and conversion.

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal.
YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

Please read the enclosed Guidance Notes if in doubt.

Please tick **ONE** box only ✓

If you are the sole owner of the whole appeal site, certificate A will apply:

CERTIFICATE A

A ☒

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the Guidance Notes for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B

B ☐

I certify that the appellant (or the agent) has given the requisite notice (see Guidance Notes) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the Guidance Notes for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's Name

Date the notice
was served

Please supply address(es)

D	D	M	M	Y	Y
---	---	---	---	---	---

on personal

D	D	M	M	Y	Y
---	---	---	---	---	---

details page

D	D	M	M	Y	Y
---	---	---	---	---	---

CERTIFICATES C and D

C&D ☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying Guidance Notes and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know either the appeal site forms part of an agricultural holding.
Please tick either (a) or (b).

If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.

a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

a ☒

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

b ☐

Tenant's Name

Date the notice
was served

Please supply address(es)

D	D	M	M	Y	Y
---	---	---	---	---	---

on personal

D	D	M	M	Y	Y
---	---	---	---	---	---

details page

D	D	M	M	Y	Y
---	---	---	---	---	---

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1-6 below, must be sent with your appeal form; 7-12 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

- | | | |
|---|---|---------------------------------------|
| 1 | A copy of the original planning application sent to the LPA. | 1 ☒ |
| 2 | A copy of the site ownership certificate and ownership details submitted to the LPA <u>at application stage</u> (this is usually part of the LPA's planning application form). | 2 ☒ |
| 3 | A copy of the LPA's decision notice (if issued). | 3 ☒ |
| 4 | A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded in blue. | 4 ☒ |
| 5 | A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. | 5 ☒ |
| 6 | A list (stating drawing numbers) and copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). | 6 ☒ |

Copies of the following must also be sent, if appropriate:

- | | | |
|-------|--|---------------------------------------|
| 7 | Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here:
<u>REFERENCES TO OTHER SCHEMES APPENDIX G</u> | 7 ☒ |
| <hr/> | | |
| <hr/> | | |
| 8 | Any relevant correspondence with the LPA. | |
| 9 | If the appeal is against the LPA's refusal or failure to approve the matters resolved under an outline permission, please enclose: | 9 ☐ |
| | (a) the relevant outline application; | 9a ☐ |
| | (b) all plans sent at outline application stage; | 9b ☐ |
| | (c) the original outline planning permission. | 9c ☐ |
| 10 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the original permission with the condition attached. | 10 ☐ |
| 11 | If the appeal is against the LPA's failure to decide an application please supply a copy of the LPA's letter registering your application. | 11 ☐ |
| 12 | If a copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | 12 ☐ |
| 13 | If you sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. | 13 ☐ |
| <hr/> | | |
| <hr/> | | |
| <hr/> | | |

PERSONAL DETAILS

Personal details given on this page will not be publicly available

1. APPELLANT PERSONAL DETAILS

Address **BELLIS BROTHERS COUNTRY MARKET**
Postcode **LL13 9YU**
Daytime Tel **07905 202 184** Fax
Email **roger.bellis@bellisbrothers.co.uk**
I prefer to be contacted by Email ☒ Post ☐

2. AGENT PERSONAL DETAILS (if any)

Address **8 CHAPEL STREET HOLT WREXHAM**
Postcode **LL13 9DJ**
Daytime Tel **07747 041 200** Fax
Email **smiles@7chapel.fsnet.co.uk**
I prefer to be contacted by Email ☒ Post ☐

3a. APPEAL SITE OWNERSHIP DETAILS

Owner's Name

Address at which the notice was served

3b. AGRICULTURAL HOLDINGS CERTIFICATE (Tenant details)

Tenant's Name

Address at which the notice was served

Please Turn Over and Sign the Form - Unsigned Forms Will Be Returned

4. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 months time limit)

- 1 I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (if you do not your appeal will not normally be accepted).
- 2 I confirm that all sections have been full completed and that the details of the ownership (section 1) are correct to the best of my knowledge.
- 3 I understand that you may use the information I have given for official purposes in connection with the Town and Country Planning Act 1990 and details including my name, the site description and my grounds of appeal will appear on the Planning Portal. By submitting this form I am agreeing to the use of the information I provide in this way.

Signature

Miles

Date 25/04/16

Name (in capitals)

MR S H MILES

On behalf of (if applicable)

MR R BELLIS



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND

1 COPY to us at:

The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the supporting documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

1 COPY for you to keep

When we receive your appeal form, we will:

- 1 Tell you if it is valid and who is dealing with it.
- 2 Tell you and the LPA the procedure for your appeal.
- 3 Tell you the timetable for sending further information or representations.
YOU MUST KEEP TO THE TIMETABLE
If information or representations are sent late we may disregard them.
They will not be seen by the Inspector but will be sent back to you.
- 4 Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

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