

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 11/09/15

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 06/11/15

Appeal Decision

Site visit made on 11/09/15

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 06/11/15

Appeal Ref: APP/H6955/A/15/3038229

Site address: Tyddyn, Higher Lanes, Iscoyd, Whitchurch SY13 3AX

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs B Zawistowicz against the decision of Wrexham County Borough Council.
- The application Ref BRN P/2015/0076, dated 3 December 2014, was refused by notice dated 16 March 2015.
- The development proposed is: Conversion, extension of existing 'Barn' into residential unit (outbuilding A); Conversion of existing stable block into granny flat/holiday home (outbuilding B).

Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue is whether there are material considerations sufficient to outweigh any conflict with local and national planning policies that seek to control development in the open countryside outside settlement boundaries.
3. The Wrexham Unitary Development Plan (UDP) 1996-2011, adopted in 2005 is outside its plan period and as a result cannot demonstrate a 5-year housing land supply as set out in paragraphs 8.1, 8.2 and 6.2 of TAN1¹. Where the UDP is outside its plan period the local planning authority has been unable to undertake a current study of its housing supply. As a result, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies. The lack of a 5-year housing land supply is a factor to be weighed in the overall planning balance.

Reasons

4. The appeal site is located in open countryside and outbuildings A and B are within the yard area adjacent to Tyddyn with a proposed access off Strift Lane, which is in

¹ Technical Advice Note 1 – Joint Housing Land Availability Studies

proximity to Higher Lanes. UDP policies H3 and CLF9 permit accordingly the change of use or conversion of buildings to residential use or to visitor accommodation. In both scenarios whether it be for residential use or visitor accommodation these policies require that buildings are structurally sound and capable of conversion without extensive rebuilding tantamount to the erection of a new structure.

5. Local Planning Guidance Note No. 3 Converting Rural Buildings indicates that proposals involving rebuilding more than 10% of the walls if the roof structure needs to be rebuilt would not be suitable for conversion. This guidance supplements planning policies and in this instance both buildings would require new roofs with substantial sections of new build needed to achieve what is proposed. I would envisage that the works exceed the 10% guide figure mentioned. Whilst only a guide it does provide a benchmark as to the degree of change that would be permissible as otherwise character buildings would be altered to an unrecognisable form and would also allow new building in an area of rural restraint.
6. In this case these are not character buildings but have been functionally adapted. They have a utilitarian and functional appearance with an array of materials – sheeting, block-work some painted blocks, brick, Yorkshire boarding and metal supports. Building A has been extensively altered with areas of internal block work walls which now supports a modern roof structure.
7. The proposed extension to building A would be two storeys with a 4m projection. It far exceeds the existing lean-to addition it purports to replace in terms of percentage increase over and above the footprint of the building which currently exists. In my view both schemes A and B fail UDP policies H3 and CLF9. Although the proposals are different the common criteria for both are that conversions in the countryside are only permissible if they are shown to be buildings which are structurally sound and capable of conversion without extensive rebuilding tantamount to the erection of a new structure. The proposals in my view fail in these important respects.
8. Rural exception policies may in limited circumstances permit new build in the countryside. UDP policy H8 permits affordable housing on the edge of a rural settlement where there is a proven need. I do not consider the circumstances apply in this instance and no evidence has been provided on this matter. The limited exception permitting infill development applies (policy H5) where the development of one or two residential units in a small gap along a continuously developed highway frontage is within a clearly identifiable group of buildings. The collection of buildings at this location is not an identifiable group of buildings they lack a cohesive cluster and lack a direct developed highway frontage. The proposal does not in my view fall within the criteria for infill development. No other rural exception policy has been argued and therefore the development would not comply with local and national planning policies.
9. The appellants point out that the agricultural use of the site is equal in trip generation to that of the proposal and so is sustainable. There is no compelling evidence to indicate that this would be the case and in my view the development would be heavily reliant on the private car to access services which are 3 and 4 miles away. The development in my view would not be considered sustainable.

Conclusions

10. The proposals' material considerations in favour of the development are not sufficient to outweigh the identified conflict with local and national planning policies.

11. The lack of a 5-year housing supply is given considerable weight in favour of the development where it otherwise complies with the development plan and national policies. In this case the development does not comply and therefore less weight would be attributed to the contribution this development would make to housing land supply.

12. I conclude that the planning balance is against allowing the appeal.

Iwan Lloyd

INSPECTOR