

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 10/07/13
Ymweliad â safle a wnaed ar 10/07/13

gan Gareth A. Rennie BSc(Hons) DipTP
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 03/10/13

Appeal Decision

Hearing held on 10/07/13
Site visit made on 10/07/13

by Gareth A. Rennie BSc(Hons) DipTP
an Inspector appointed by the Welsh Ministers
Date: 03/10/13

Appeal Ref: APP/H6955/A/13/2197445

Site address: Cristionydd Farm, Crisitionydd Lane, Penycae, Wrexham, LL14 1TT

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 P Jones against the decision of Wrexham County Borough Council.
- The application Ref PEN P/2007/1298, dated 26 October 2007, was refused by notice dated 1 November 2012.
- The development proposed is the conversion of existing farm buildings to 3 no residential dwellings.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposals on policies designed to control the provision of housing and protect the countryside.

Reasons

3. The appeal building in this case is an L shaped complex of farm buildings located in open countryside to the south of the village of Penycae. It is constructed of a variety of materials with brick and stone walls under a largely slate roof. The proposal is to convert the building to 3 dwellings with associated garaging.
4. Policy H5 of the Wrexham Unitary Development Plan (UDP) says that outside defined settlement limits new dwellings will only be permitted under certain circumstances none of which apply in this case. Policy H3 does, however, allow the change of use or conversion of a building to residential use outside settlement limits subject to certain criteria being satisfied. These include that the building is structurally sound and capable of conversion without extensive rebuilding tantamount to the erection of a new dwelling.
5. The Council have also referred to their Local planning Guidance Note 3 – *Converting Rural Buildings*, which restates the criteria in Policy H3 and also says that any structural surveys or report supporting such applications should include scaled

drawings highlighting those areas that would require replacing, repairing or renewing. The aim of such a report, it says, is to reassure both the Council and intended developer that the building will not collapse during conversion.

6. Most of the external walls of the appeal building remain intact to eaves level although a significant period of time has elapsed since the initial planning application was made. There was some disagreement during the hearing about the structural condition of the structure as a whole.
7. The appellant commissioned a structural survey to support the proposal and this maintains that the building is structurally sound and the extent of rebuilding works would be minimal. Indeed it maintains that a rebuild element no greater than 5% would be required. The appellant submitted further information to support this report in the form of annotated drawing which specified in more detail the areas in need of repair and outlined works necessary to consolidate these areas and prevent further degradation.
8. Nevertheless, the Council points to cracks within the structure and areas of collapse and considers the report to be over optimistic and to lack the detail necessary to make a proper assessment of the work necessary. Following the submission of the annotated drawings the Council further inspected the building and concluded that protective works were minimal and failed to protect the building and that the extent of damage was significantly underestimated.
9. Considerable time has elapsed since the initial application and during my site visit it was apparent that the building has suffered significant further damage. This is probably due to a combination of vandalism and weather damage. In particular it seems that a period of heavy snow has caused damage to the appeal building and significant damage to other structures on the site.
10. It was apparent that the extent of cracking and collapse of the walls of the appeal building were considerably more extensive than those outlined in the report, despite protective supports. There was little evidence of continued maintenance or remedial works having been carried out in that period. The area of intact roof has been significantly diminished, notwithstanding that the roof would need to be replaced during any conversion. This loss of roof and collapse of supporting beams has caused internal partition walls and floors to collapse. Significant bowing and cracking of external and internal walls were evident.
11. This was a purely visual assessment made during a brief site visit, but it was apparent that the structural report bore little relation to the current state of the building. The appellant has not submitted a more up to date structural survey or report in support of this appeal and has relied on information supplied in 2009. I acknowledge that there has been some dispute about the amount and scale of information required by the Council. Nevertheless, I consider that there is insufficient detailed information to support the appellant's assertion that the building is structurally sound and capable of conversion without significant rebuilding. This introduces an unacceptable degree of uncertainty to the proposed conversion.
12. Moreover, the structural report seems over reliant on subjective assessments of the damage and structural integrity of the building at that time and despite the annotated drawings there were no properly scaled drawings of the damaged areas or calculations of the extent of damage or of necessary rebuilding. It may have been an accurate

assessment at the time but a considerable period has elapsed since that application and I must consider the proposal against the current situation.

13. I conclude that there is insufficient evidence to properly ascertain whether the appeal building is structurally sound and capable of conversion without extensive rebuilding tantamount to the erection of a new dwelling. It is therefore contrary to Policy H3 of the UDP and would significantly undermine development plan policies designed to control the provision of housing in the countryside.
14. Consequently for the reasons given above and having considered all other matters raised in writing and at the hearing I conclude that the appeal should be dismissed

Gareth A. Rennie

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Rhys Davies	Appellant's Agent
Sioned Edwards	Appellant's Agent
Paul Jones	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Kevin Hughes	Senior Planning Officer
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INTERESTED PERSONS:

DOCUMENTS

1 Letter of notification

PLANS

A Application Plans

B Annotated ground and first floor plan – drawing 1A (July 2009)

C Annotated ground and first floor plan – drawing 1A (Jan 2010)

PHOTOGRAPHS

1 6 coloured photographs