



Penderfyniad ar Apêl

Ymweliad safle a wnaed ar 08/06/11

**gan Emyr Jones BSc(Hons) CEng
MICE MCMI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22/06/11

Appeal Decision

Site visit made on 08/06/11

**by Emyr Jones BSc(Hons) CEng MICE
MCMI**

an Inspector appointed by the Welsh Ministers

Date: 22/06/11

Appeal Ref: APP/H6955/A/11/2150255

Site address: Talfryn Cottage, Erbistock, Wrexham LL13 0DF

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 John Derosa against the decision of Wrexham County Borough Council.
- The application Ref P/2010/0791, dated 15 September 2010, was refused by notice dated 9 November 2010.
- The development proposed is the demolition of an existing store and the erection of a new store, workshop with sheep pen.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing store and the erection of a new store, workshop with sheep pen at Talfryn Cottage, Erbistock, Wrexham in accordance with the terms of the application, Ref P/2010/0791, dated 15 September 2010, and the plans submitted with it, as modified by drawing Nos. D031/002C and D031/003B received by the local planning authority on 6 October 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
 - 2) The building hereby permitted shall be used for agricultural purposes only.
 - 3) With the exception of those shown on the approved plans and notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) Order 1995* (or any order revoking, re-enacting or modifying that Order with or without modification) no windows or other openings shall be inserted in any elevation of the building.
 - 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority.
Development shall be carried out in accordance with the approved details.

Main Issue

2. I consider the main issue in this case to be the effect of the proposal on the character and appearance of the surrounding rural area.

Reasons

3. The proposed building would be constructed of brick under a slate roof. With a footprint of approximately 17.26m by 6.37m, it would be much larger than an existing painted brick building which it would replace. Having regard to the limited number of agricultural buildings at Talfryn Cottage and the scale and nature of the farming enterprise, and allowing for the fact that the appellant also rents agricultural buildings elsewhere, a building of this scale does not seem excessive.
4. Although larger, the elongated form under a ridged roof would reflect the building to be replaced and the use of bricks and slates would be in keeping with the local vernacular. The building's location within the existing farm complex, at a slightly lower level than the public highway, and an existing hedge between it and the road would ensure that it would not be a prominent feature in the landscape.
5. The Council queries whether the proposed sheep pen element is large enough to cater for a 50 ewe flock. I also note that this part of the building lacks direct external access and would not provide the level of ventilation required for animal welfare reasons. Nonetheless, the Appeal Form, which the Council has had the opportunity to comment upon, indicates that this element would be used for the storage of farm equipment, as opposed to a pen.
6. The Council is concerned that the proposed building is of a scale and form which would make it relatively easy to convert to a residential bungalow. Whilst that may be so, it does not render the building unsuitable for agricultural purposes. Furthermore, I have no reason to believe that the appellant intends such a conversion and even if he did that would require a separate planning permission.
7. For the above reasons, I conclude that the proposal would not be harmful to the character and appearance of the surrounding rural area and that it does not conflict with *Wrexham Unitary Development Plan* policies PS2, EC3 and GDP1.
8. The Council submitted a suggested list of planning conditions, but did not include reasons in respect of each condition. Nevertheless, I am satisfied that conditions restricting the use to agricultural purposes, preventing the creation of additional openings and requiring prior approval of external finishes are necessary to protect the character and appearance of the surrounding rural area and ensure an acceptable visual appearance.
9. For the reasons given above I conclude that the appeal should be allowed.

E Jones

Inspector