



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 17/08/10

Ymweliad â safle a wnaed ar 17/08/10

Appeal Decision

Hearing held on 17/08/10

Site visit made on 17/08/10

gan / by R G Gardener BSc(TownPlan) MRTPI

**Arolygydd a benodir gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 24/09/10

Appeal Ref: APP/H6955/A/10/2127314

Site address: Land at Old Sontley Hall, Sontley, Wrexham LL13 0YW

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 T M Hughes against the decision of Wrexham County Borough Council.
- The application Ref MAR P/2009/0711, dated 17/08/09, was refused by notice dated 02/11/09.
- The development proposed is the construction of one 2-storey agricultural worker's dwelling.

Decision

1. I dismiss the appeal.

Procedural matters

2. When the application was prepared, submitted and considered by the Council the Assembly Government's guidance concerning new dwellings in the countryside for agricultural workers was set out in Planning Policy Wales March 2002 and Technical Advice Note (TAN) 6 'Agricultural and Rural Development'¹. This guidance had been referred to by both the appellants and the Council in their respective cases. Planning Policy Wales (PPW) was re-issued in July 2010 while the earlier version of TAN 6 was replaced by TAN 6 'Planning for Sustainable Communities' in July 2010. I invited amended statements taking into account the new guidance, which was done and included in the hearing discussion.

Main issues

3. These are (a) whether there is sufficient agricultural justification for a second dwelling on the farm holding and (b) the effect of the proposal on the character and appearance of the rural locality.

¹ Revised June 2000

Reasons

4. Old Sontley Hall is one half of a Grade II listed building and is the home of the appellants. Together with a range of functional agricultural buildings it is the base of a dairy farm of the same name which extends to about 93 ha. (230 acres). The other part of the listed building is the house to the adjoining Old Sontley Farm which is in completely separate ownership, although its yard and buildings abut those of Old Sontley Hall. Both are in fairly remote countryside to the south of Wrexham beyond the limits of a recognised settlement.
5. The operative development plan² requires, through Policy PS1, that new development, including residential development, is generally to be directed to settlements. Policy H5 does exceptionally allow new dwellings in the countryside such as where it is essential to house a full-time agricultural worker. This policy exception is central to the consideration of this case. The Council's additional guidance, LPGN 13³, recognises, for instance, that a new dwelling may be acceptable where existing housing accommodation is insufficient and where the agricultural operation requires the presence of staff at all times. This closely follows the approach advocated in both PPW and TAN6.
6. The Council's policy requires an agricultural appraisal to be prepared to justify the need for a new dwelling. LPGN 2⁴ advises on how such an appraisal is to be carried out and the information required. Such an appraisal has been provided in this case, the results of which the Council largely accepts. In particular, it recognises that the dairy farm of some 150 cows has a labour requirement of about 2.5 workers and that there is an essential need for 2 full-time workers to be in close attendance 24 hours each day. This is to fulfil the usual commitment of milking twice every day, attending calving, monitoring new-born calves and sick animals and so on. Nor is it questioned that the holding is well-established, is financially viable and is likely to remain so. In these ways the financial and functional tests expressed in TAN 6 and Policy H5 are met.
7. The full-time labour is currently supplied by Mr Hughes and his son James, now 29. James also lives at Old Sontley Hall, a 4-bedroom house, but with occasional overnight stays away at his former girlfriend's house in Wrexham. That appears to still be the case despite his recent marriage to her and the fact that they now have a child. The Council does not suggest that the current farmhouse is convenient for both families to share appears to accept that it is reasonable that James should now have a home of his own for his family. There is no other residential accommodation on the farm which could meet that need.
8. Nor is it apparent that any of the existing farm buildings is suitable for conversion to a dwelling, as required to be considered by TAN6 and Policy H5. Having investigated the possibility that is also the view of the Council. This is because of the combination of the form of the buildings themselves, the living conditions within the farmyard where they are located and the fact that much of that area,

² The Wrexham Unitary Development plan (UDP) 1996-2011 adopted 14 February 2005

³ Local Planning Guidance Note 13 – Housing in the Countryside

⁴ Local Planning Guidance Note 2 - Agricultural Appraisals

including the farmhouse, is susceptible to flooding as experienced in 1983, 2000 and 2007.

9. The proposed dwelling is to house James and his family. TAN 6 stresses that it is the needs of the enterprise and not the personal preference or circumstances of the individuals involved which need to be considered. Both the new TAN and the older Policy H5 require the possibility to be explored of meeting the need for additional accommodation in some fashion other than a new dwelling in the countryside. For instance, it needs to be shown that such a worker could not be housed in a nearby settlement. The house occupied by James' wife in Wrexham is in fact owned by James' mother, Mrs Hughes, and is one of several properties that she has but which are said to be independent of the farm. He has been able to return to the farm from there for early morning starts and emergencies but the distance – some 8 miles – has proved difficult. Here again the Council does not claim that that situation is satisfactory.
10. It does, however, contend that 2 other, nearer parts of Wrexham and the settlement of Johnstown, both just over 2 miles away, would offer convenient places from which it would be possible to travel to the farm at short notice. Moreover, within 2 miles of the site properties have been for sale in the Sontley/Gyffelia area which would have been even more convenient. It is clear that the appellants have not explored such options since they do not consider it is practical for James to live elsewhere while working at Old Sontley Hall. Their position is that nothing short of both Mr Hughes and James living on the farm will do, despite the fact that James has when necessary been able to fulfil his work obligations from some distance away.
11. I do not consider the needs of Old Sontley Hall to be significantly different from any other dairy farm. TAN 6 does not exclude holdings with substantial animal and labour welfare issues from the need to consider the possibility of using accommodation beyond the farm itself. The incidence of emergencies at the farm does not appear to have been significant and other events such as calving can be anticipated so that, other things being equal, the possibility remains that the housing needs of the farm could be met nearby. In that regard I do not consider that 2 miles distant is excessive and if applied universally would seriously undermine this element of the Assembly Government's rural housing policy. The appellants' evidence is consequently less than robust on this point. Even so, it is not apparent that there is suitable housing available nearby or that it can be relied on to become available within a reasonable time. The appellants' also contend that neither the farm nor James could sustain the purchase of a nearby property, which went largely unchallenged by the Council.
12. I am therefore persuaded that, on balance, providing the required additional accommodation as a new-build dwelling on the farm holding is the only practical option in this case.
13. As to issue (b), TAN 6 also states that where the need for a dwelling on the farm is justified other normal planning requirements such as siting and access still need to be met. Such considerations are among the general development objectives set down UDP Policy GDP1. Policy PS1 states that development should not materially detrimentally affect the countryside or the quality of the natural environment. More directly, Policy H5 intends that where the principle of a new

dwelling is acceptable it should be sited adjacent to existing buildings. This continuing sequence of policy constraint is clearly intended to safeguard the character of the countryside.

14. The proposed house would be sited some 70m. away from the nearest part of the farm building group. Moreover, those buildings, and indeed those of Old Sontley Farm, are nestled in a low lying area close to the valley floor. The chosen site is considerably elevated above those so that both the separation distance and topography would result in the dwelling being isolated from existing buildings. The proposal would be prominent and conspicuous to the passing public on the road which fronts the site and, in my assessment, severely intrusive in the local rural scene. That is so despite the attempts to reduce the scale and bulk of the building and to incorporate design features reminiscent of this location. While there are one or two other dwellings along this road which are not part of farm groups they are not typical of the pattern of development or share the same prominence as that proposed.
15. Nor am I satisfied that the proposal could be satisfactorily assimilated into this setting by landscaping. It is intended to retain 2 significant roadside trees but the implications of the access and visibility arrangement for the front boundary hedge have yet to be fully established. Even if landscaping could have some mitigating effect, it would not disguise the separation of the house from the main cluster of farm buildings, contrary to Policy H5, or the resulting harm to the countryside.
16. Unlike the appellants, the Council does not accept that there is not a realistic alternative. The possibility of siting a dwelling on land on the west side of the road has now been disregarded but 2 other possible sites remain in dispute. The first is that of a long-established concrete-framed outbuilding positioned close to the existing house and on the edge of its well-maintained garden. Unlike the rest of the farmyard, I believe that this location would provide suitable living conditions. Although it is close to the listed building, I share the Council's view that a building could be appropriately designed as a suitable addition to its setting while the removal of the existing unsightly structure would be a further benefit. Nor has it been shown that the culverted watercourse need be an overwhelming constraint or that it could not be catered for without increasing the risk of flooding elsewhere or, indeed, for a dwelling in this location. In my opinion, this is a suitable location with much to commend it. However, the current building is not redundant and is in active use on the farm. I have no cause to doubt that it would need to be replaced and could impose a further cost on the farm business. Under the circumstances as I understand them it would not be reasonable to rely on this as a viable alternative site for a dwelling.
17. The second possibility concerns the parcel of land which loosely separates the appeal site from the farm group. Its development potential is also subject to constraint. Part of the land slopes up towards the appeal site, is close to the farm's silage pit and is crossed by the access for cattle to the farm buildings from the fields to the south. More directly, the appellants say that it is the only space available for any future expansion of the farm. The herd has been increased and there is a wish to grow the business further. Reference was made to a long term business plan which has not been made available. However, such plans, particularly any corresponding intention to add to the current range of farm buildings on this land, appear to be at an early stage. There has not as yet been an application or

approach to the Council concerning such a proposal nor has a scheme as such been prepared which would identify the nature of the buildings intended or, consequently, how much of this area may be required.

18. At this point in time I am not satisfied that this second option can be ruled out such as to justify the appellants' contention that the appeal site is the only practical option. Only then could the prominent and intrusive site chosen be considered acceptable. Accordingly, while it has been shown that there is a need for a second dwelling on the holding it is not apparent that it cannot be achieved in other, less harmful ways than that proposed and which would accord more fully with the local and national policies to which I have referred.
19. I am also conscious of the statutory requirement imposed by s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving not only listed buildings but also their setting. The Council has not objected to the proposal because of its effect on the setting of Old Sontley Hall as such. Indeed, it did not even publicise the application under s67. I acknowledge that the setting of the listed building was a constraint which the appellants say influenced them to choose the appeal site. However, that appears to have been based on the concept that moving away from the immediate environs of the listed building is necessary rather than a result of an assessment of what is significant about the building and its setting.
20. My own impression is that the site is part of the open rural approach to the listed building which, with its farm group and that of its neighbour, is set low on the valley floor. In contrast, the site is elevated and prominent in the landscape above the farm group so that the proposed house would not only impact on the countryside in general, as the Council contends and as I have found, but to my mind would also be sufficiently closely related to and positioned higher than Old Sontley Hall to affect its setting. As set out in s67, whether to undertake publicity is a matter for the local planning authority, although I am not confident that the possibility was actively considered here. Even so, in the absence of representations on the matter, I do not conclude whether the effect is harmful or not and do not rely on it in my decision.
21. Having considered these and all other matters, none of which outweigh those I have set out above, I have concluded that planning permission should not be granted.

R G Gardener

Inspector

APPEARANCES

For the appellants:

Mr Rawdon Gascoigne BA(Hons) MRTPI	Of the Emery Planning Partnership
Mr Peter Lewis BSc(Hons) MRICS	Of Wright Manley, Chartered Surveyors
Mr and Mrs T M Hughes	Appellants

For the Local Planning Authority:

Mr Mathew Phillips MSc MRTPI	Planning Officer
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DOCUMENTS SUBMITTED AT THE HEARING

- 1 Appeal Decision APP/CO630/A/06/2009314, Land north of Laurel Cottage, Pinfold Lane, Plumley WA16 9RW (Appellants)
- 2 Suggested additional condition to tie the dwelling to the holding (Council)