
Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 20/04/21

**gan Hywel Wyn Jones, BA (Hons) BTP
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28/5/21

Appeal Decision

Site visit made on 20/04/21

**by Hywel Wyn Jones, BA (Hons) BTP
MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 28/5/21

Appeal Ref: APP/H6955/A/21/3269296

Site address: Field Parcel 4504, Bronwylfa Road, Aberoer, Wrexham, LL14 4ND

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 Mark Roberts against the decision of Wrexham County Borough Council.
 - The application Ref: ESC P/2020/0220 dated 24 March 2020, was refused by notice dated 2 November 2020.
 - The development proposed is the erection of an agricultural building for the storage of machinery and winter feed.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural building for the storage of machinery and winter feed at Field Parcel 4504, Bronwylfa Road, Aberoer, Wrexham, LL14 4ND in accordance with the terms of the application, Ref: ESC P/2020/0220 dated 24 March 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development shall begin not later than five years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
 - 2) The development shall be carried out in accordance with the following approved plans and documents: 1:500 Block Plan and the 1:100 Floor and Elevation Plans received by the Council on 12 October 2020.
Reason: To ensure that the development is carried out in accordance with the approved drawing.
 - 3) The building shall be used only for the storage of machinery and feed for agricultural purposes. No livestock shall be accommodated, or fertilizer stored within the building.
Reason: To avoid the potential for pollution in accordance with policy GDP1 of the Wrexham Unitary Development Plan.
-

Procedural Matter

2. The site lies within the catchment of the River Dee Special Area of Conservation (SAC) which is the subject of new phosphate standards imposed by Natural Resources Wales. As the proposed use of the building for the storage of machinery and winter feed would not give rise to the potential for phosphate levels to be increased I am satisfied that the project would have no impact on the SAC and that no further assessment under the provisions of The Conservation of Habitats and Species Regulations 2017, as amended is required.

Main Issue

3. The main issue is the effect of the proposed building on the character and appearance of the area, having regard to planning policies on development in the countryside.

Reasons

4. The proposed building would occupy a corner of a field close to a hardstanding and gated access. The site lies within a 1.52 ha parcel of land which forms part of 3.9 ha owned by the appellant, who also rents 5 ha. The appellant explains that 20 sheep are kept on rotation on these parcels and hopes to secure more land to expand the farming business. Whilst the appellant's agricultural statement refers to an intention to use the building for lambing, I have based my assessment on the description of development on the application form, as set out in the above banner heading.
5. The Council considers that the scheme has not established an essential agricultural requirement. Policy EC3 of the Wrexham Unitary Development Plan (UDP) permits isolated agricultural buildings only where there is an essential agricultural need and no reasonable alternative location. However, since the adoption of the plan in 2005 relevant new national policy has been published. Neither the latest iteration of Planning Policy Wales (PPW), Edition 11, nor Technical Advice Note (TAN) 6, Sustainable Rural Communities, suggests a test of essential need ought to be applied to agricultural buildings in areas of countryside.
6. The Council questions whether the farming activity is capable of becoming a viable enterprise and suggests that it is more of a hobby. However, that would not alter the fact that the scheme proposes a building to serve a land based, farming activity. As such it seems to me that it is capable of being an exception to the generally restrictive approach of both local and national planning policy to development in the countryside. PPW seeks to encourage agriculture in the rural countryside to thrive and TAN6 seeks to promote sustainable rural communities.
7. The building would be sited close to a mature hedge which would afford significant screening. In terms of design it would be typical of modern agricultural buildings that are commonplace in the surrounding countryside and, at 6m high, would be much smaller than many. It would be separated by a narrow highway from a cluster of buildings, including a farm complex, and there is another nearby complex clearly visible to the west.
8. On the main issue I conclude that the scheme would not cause harm to the character and appearance of the area. The building would be in keeping with the character of the site as sought by UDP policy GDP1 and its design and location minimise its visual impact in line with policy EC5. As it would not cause a materially detrimental impact on the environment or surrounding landscape, and would not be an isolated building, I am satisfied that it accords with policy EC3.

9. In addition to the conditions suggested by the Council I consider that restricting the use to that which has been applied for is necessary to avoid the potential for pollution that could arise from other agricultural uses.
10. I have taken into account all other matters raised in concluding that the scheme is acceptable and shall allow the appeal.
11. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Hywel Wyn Jones

INSPECTOR