



The Planning Inspectorate Yr Arolygiaeth Gynllunio

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Further information about us is available on the Welsh Government website at
<http://gov.wales/topics/planning/appeals/?lang=en>

PLANNING APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact our Helpline on 0303 444 5940. **To help you fill in this form correctly please refer our Procedural guide for Wales.**

WARNING: Your appeal must reach The Planning Inspectorate within 6 months of the date of the Local Planning authority's decision notice. *(NOTE: If any of the "Essential supporting documents" listed in Section L are not received by us within the appeal period, the appeal will not be accepted)*

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT – The name of the person(s) making the appeal **must** appear as an applicant on the application form. **If this is not the case the appeal may not be registered.**

Name	Mark Brereton
Organisation Name (if applicable)	M & P Brereton

B. AGENT (if any) FOR THE APPEAL

Name	Hywel Davies
Organisation Name (if applicable)	Rostons Ltd
Reference	CP8128

C. LOCAL PLANNING AUTHORITY (LPA)

Name of the LPA	Wrexham County Borough Council
LPA's application reference number	P/2019/0761
Application form dated	08/10/2019
Date of LPA's Decision notice (if issued)	03/12/2019

D. APPEAL SITE ADDRESS

Address	Rodens Hall Farm Bowling Bank Wrexham
Postcode	LL13 9RS

Size of the whole appeal site (in hectares)	115
Area of floor space of the proposed development (in square metres)	120

	YES*	NO
Are there any health and safety issues at, or near the site which the Inspector would need to take into account when visiting the site? <i>*If yes, please explain in your full statement of case (section H)</i>	✓	

	YES*	NO
Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?	✓	
Is it essential for the Inspector to enter the site to check measurements or other relevant facts? <i>* If the answer is 'YES' please explain below</i>	✓	

The development site can be seen from the road however it would be better if the inspector could go onto the site to inspect the building.

It is worth noting that the site is an agricultural holding and as such there are likely to be machinery and agricultural implements on the yard

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or relevant facts.

E. DESCRIPTION OF THE PROPOSED DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised while it was with the local planning authority for consideration, you may enter a description of the revised scheme. Please enclose a copy of the LPA's agreement to the change.

This particular application as stated is for a building to cover and protect a grain dryer from the elements at Rodens Hall Farm's yard.

The building is an open back and front building with the purpose of housing the new grain dryer bought by the partnership. The current grain dryer (9 tonne dryer) is now insufficient as the business has grown over the last few years and as a result the partnership needed to invest in a new grain dryer (20 tonnes), without this investment, the high value, high quality grain would not have anywhere to be dried in sufficient quantity. The existing buildings on the yard at Rodens Hall are insufficient to house the new grain dryer for two main reasons:

•Size: The existing buildings are too low to house the new grain dryer which stands at around 25ft high.

•Use: The existing buildings on site are used as a grain store and as machinery storage. With the various recent investments in machinery, there is little room left to house a grain dryer.

The grain dryer needs to be kept housed as during the drying process, the grain needs to be kept dry as well as the dryer itself. This is an extremely crucial part of the operation and the quality and dry matter of the grain is a large contributor to the overall price paid to the applicant. This is quite often the largest factor for an arable business' profitability.

The store is a much needed addition to the farm and is needed to ensure the sustainability of the business and to maintain a high standard for the farming business.

	YES	NO
Has the description of the works changed from that entered on the application form?		✓
Is flooding an issue?		✓
Does the works affect the setting of a listed building?		✓
Is the appeal site within an Area of Outstanding Natural Beauty?		✓
Does the site lie within a conservation area?		✓
Does the site lie within a green belt/green wedge?		✓
Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?		✓

F. REASON FOR THE APPEAL

This appeal is against the LPA's decision to:

Please tick which applies



1.	Refuse planning permission for the proposed development.	✓
2.	Grant planning permission for the development subject to conditions to which you object.	
3.	Refuse approval of the matters reserved under an outline planning permission.	
4.	Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.	
5.	Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).	
6.	The failure of the LPA to give its decision within the appropriate period (usually 8 weeks) on an application for planning permission.	

G. Other Appeals

	YES	NO
Have you made any other appeals to us, for this, or nearby land, for example, against a refusal of planning permission?		✓
If yes please give details, including our reference number, if known.		

H. FULL STATEMENT OF CASE

This is your **only** opportunity to make your case in connection with the reason for the appeal as indicated in section F. Therefore please provide your **FULL** statement of case. To do this, you need to go through the reasons for the decision (if provided), and explain why you disagree. Only the reasons within the LPA's decision and the reasons put forward by you at application stage should be included on your appeal form. You should not introduce any new reasons for the appeal. Please refer to our Procedural Guide for Wales for further information.

Please continue on a separate sheet if necessary

The reasoning given for the refusal and our response is as follows:

1) Council's comments: "By virtue of its scale and design"

Response: The building measures 10m x 12.12m, the footprint of the building is not large at all compared to the other buildings on site and those in the locality. The height to the eaves is 7.62m and 8.83m to the ridge. Although it is higher than the existing buildings on the yard, it is not overly high compared to other agricultural buildings in the vicinity. The existing floor area of the buildings totals approximately 853m², this equates to roughly a 14% increase in floorspace.

2) Council's comments: "The proposal does not accord with the character of the site"

Response: The site in question is already an existing farm yard with agricultural buildings and outside areas to store agricultural machinery, implements, grain post harvest, sprays/fertiliser and workshop. The character of the site is an agricultural yard, and therefore it is not understood why a new building designed to house a new grain dryer is not in accord with the existing character.

3) Council's comments: "Would materially detrimentally affect the character and appearance of the countryside"

Response: The location of the new development was chosen such that it would not impact on the countryside. The building, as mentioned above, is already sited on an existing farm yard with modern agricultural buildings. It has also not been sited away from the existing buildings and has been attached to the existing grain store for ease of operation as well as to lessen the impact on appearances. The appearance of the development is in keeping with the current appearance of the farmyard. The same materials have been used as has been used in the existing buildings so as to blend the new building into the yard landscape.

The roof is constructed of grey box profile sheeting and the walls are constructed of green box profile sheeting, this is not only in keeping with the current buildings at Rodens Hall Farm, but the colour helps with merging the buildings into the landscape as well as being in keeping with the vast majority of other agricultural buildings on the locality.

4) Council's comments: "The development fails to make a positive contribution to the locality":

Response:

Economic Contribution: It makes a positive economic contribution to a young, local farming family who are trying to develop their farming business. This building ensures that they can invest in a larger grain dryer, and as the farm is growing in size, to circa 285 acres in 2020, the old/smaller grain dryer that is currently in one of the sheds on site is too small to cope with the amount of grain that will be harvested. The new grain dryer will make the operation more efficient and as a result more economically viable. This is in line with recent investments such as a new Combine Harvester, Cover Crop drill, Loader and Bale wrapper

Social Contribution: By making the business more efficient and more viable, this young family can continue to farm on the holding and make a contribution towards the local community around Bowling Bank and Wrexham County as a whole.

5) "Policy PS2 - Development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment": The development does not 'detrimentally affect' the countryside, the development is located on an already developed site, the building is attached to the existing farm buildings. The character of the location is already a farm yard and numerous similar buildings are in the locality. Trees have been planted and hedges allowed to grow tall to aid the screening of the existing and new building.

6) "Policy EC3 - The construction of a new agricultural buildings will be permitted unless the development is materially detrimental in terms of its impact in the environment or surrounding landscape. The development should form part of an existing farm complex and take advantage of topography and other landscape features for screening":

7) "Policy GDP1 - All new developments should:"

A number of the points raised above cover some aspect of this policy and some aspect of the policy are not relevant to agricultural buildings, namely e, g and j. With regard to the rest of the policy, the development in question is suitable to the site it is located, being an existing farm yard. Various other agricultural buildings are located within the vicinity and are mostly built of the same materials and of the same design. The purpose of the building (to house a grain dryer) would not alter the system on the holding.

M & P Brereton require this development to house the new grain dryer on the holding, the current grain dryer is old and insufficient with the fact that the holding has been growing over recent years and will be growing again in 2020.

The applicant (M & P Brereton) has stated that some alterations could be made to the building that would assist with blending it further into the landscape. These namely would be:

- 1) Removing the peaked air vent on the ridge and replacing it with a flat air vent that would lower the shed height by circa 18 inches.
- 2) Putting green box profile sheeting on the Northern opening and doors on the Southern opening, such that there is no 'tunnelling' effect to the shed, as there is currently.
- 3) The applicant can also plant trees and let hedges grow taller so that the building would blend better with the landscape

It should also be noted that there are numerous other modern agricultural buildings within the locality and also grain silos that are the same if not higher in height. The agricultural nature of the area is such that modern agricultural buildings are needed to ensure the business's efficiency.

As can be seen from the pictures, the building does not materially detrimentally impact the area. It is merely an 'add-on' to an existing farm yard. This is also apparent by the fact that the planning application received no objections at all by any of the neighbouring properties.

It would also like to be noted that the agent requested on a number of occasions both by email and verbally for the planning officer to contact him to discuss the application when she had reviewed it. This was not done and the officer took it upon herself to serve the decision notice without any correspondence or discussion which was extremely unhelpful.

Appeals dealt with under Part 4 of The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017 can be considered on the basis of written representation, a hearing, an inquiry or combined proceedings. In accordance with the Town and Country Planning (Determination of Procedure) (Wales) Order 2017 the Planning Inspectorate must make a determination as to the procedure. Therefore we will take in to consideration your views below when determining the procedure. If insufficient reasons are given for a hearing or inquiry we may adopt the written representations procedure.

I consider the written representations procedure is appropriate.	✓
I do not consider that the written representations procedure is appropriate for the reasons given in the box below. I accept that it will be the Inspectorate's discretion as to whether a hearing, inquiry or combination will take place.	

	YES	NO
Do you intend to submit a costs application with this appeal? <i>If yes, it must be submitted below</i>	✓	

K. Appeal Site Ownership Details (Part 1)

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal.

YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

Please read the guidance leaflet 'How to complete your planning appeal form' if in doubt.

*Please tick **ONE** box only*

CERTIFICATE A (If you are the sole owner of the whole appeal site, certificate A will apply)	☒
I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see the guidance leaflet for a definition) of any part of the land to which the appeal relates	

OR

CERTIFICATE B	
I certify that the appellant (or the agent) has given the requisite notice (see the guidance leaflet) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see the guidance leaflet for a definition) of any part of the land to which the appeal relates, as listed below:	

Owner's Name	Date the notice was served

Please supply owner's address(es) on personal details page

CERTIFICATES C and D	☒
If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D at Annex 1, how to complete your Appeal.	

K. Appeal Site Ownership Details (Part 2) - AGRICULTURAL HOLDINGS CERTIFICATE
(this must be completed for all appeals)

We also need to know either the appeal site forms part of an agricultural holding.

Please tick either (a) or (b).



a	None of the land to which the appeal relates is, or is part of, an agricultural holding	☐
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bi	The appeal site is, or is part of an agricultural holding, and the appellant is the <u>sole</u> agricultural tenant	☒
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bii	The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:	☐
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Tenant's Name	Date the notice was served

Please supply Tenant's address(es) on personal details page

L. Essential supporting documents

The documents listed in 1–6 below, must be sent with your appeal form; 7-12 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it.

Please tick the boxes to show which documents you are enclosing.



1	A copy of the original planning application sent to the LPA	✓
2	A copy of the site ownership certificate and ownership details submitted to the LPA at application stage (this is usually part of the LPA's planning application form).	✓
3	A copy of the LPA's decision notice (if issued).	✓
4	A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded in blue.	✓
5	A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.	✓
6	A list (stating drawing numbers) and copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).	✓
7	A copy of the Design and Access Statement (if required).	✓
8	Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers below:	✓
9	Any relevant correspondence with the LPA.	✓
10	If the appeal is against the LPA's refusal or failure to approve the matters resolved under an outline permission, please enclose:	
a	the relevant outline application;	
b	all plans sent at outline application stage;	
c	the original outline planning permission;	
11	The appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the original permission with the condition attached.	
12	If the appeal is against the LPA's failure to decide an application please supply a copy of the LPA's letter registering your application.	
13	A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).	

Personal Details (these will not be made publicly available)

1. Appellant personal details

Address	Rodens Hall Farm Bowling Bank Wrexham
Postcode	LL13 9RS
Daytime Telephone	07856 229078
E-mail	rodenshallfarm@gmail.com

	English	☒	Welsh	☐
Language Preference				

	E-mail	☒	Post	☐
I prefer to be contacted by				

2. AGENT PERSONAL DETAILS (if any)

Address	Rostons Ltd West View House Whitchurch Road Hatton Heath Chester
Postcode	CH3 9AU
Daytime Telephone	01829 7873000
E-mail	hyweldavies@rostons.co.uk

	English	☒	Welsh	☐
Language Preference				

	E-mail	☒	Post	☐
I prefer to be contacted by				



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection Policy can be found on our website under "Privacy Policy" (http://planninginspectorate.wales.gov.uk/privacy_policy)

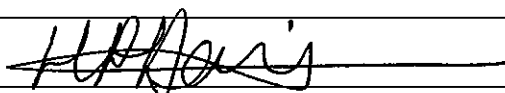
PLEASE SIGN BELOW (signed forms with all supporting documents must be received by us within the appeal period)

I confirm that I have sent a copy of this appeal form and all relevant documents to the LPA (if you do not your Appeal will not normally be accepted).

I confirm that all sections have been fully completed to the best of my knowledge.

I understand that you may use the information I have given for official purposes in connection with the Town and Country Planning Act 1990 and details including my name, the site description and my statement of case may appear online. By submitting this form I am agreeing to the use of the information I provide in this way.

Signature:



Name (in capitals)

Hywel Davies

Date

19-12-19

On behalf of (if applicable)

Agent on behalf of M & P Brereton

SEND

1 COPY to us at:

The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

E-mail: wales@pins.gsi.gov.uk

Helpline: 0303 444 5940

1 COPY to the LPA

Send a copy of the appeal form and full statement of case to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

There is no need to send them all the supporting documents again; only send them any supporting documents not previously sent as part of the application.

Please keep a copy for your records

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

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