

**APPLICATION NO:**  
P/2019 /0370

**LOCATION:**  
HAFOD Y BWCH MIDDLE SONTLEY  
WREXHAM  
LL13 0YP

**DATE RECEIVED:**  
03/05/2019

**COMMUNITY:**  
Esclusham

**DESCRIPTION:**  
CHANGE OF USE FROM  
RESIDENTIAL TO COMMERCIAL, B1  
BUSINESS USE (IN RETROSPECT)

**CASE OFFICER:**  
PF

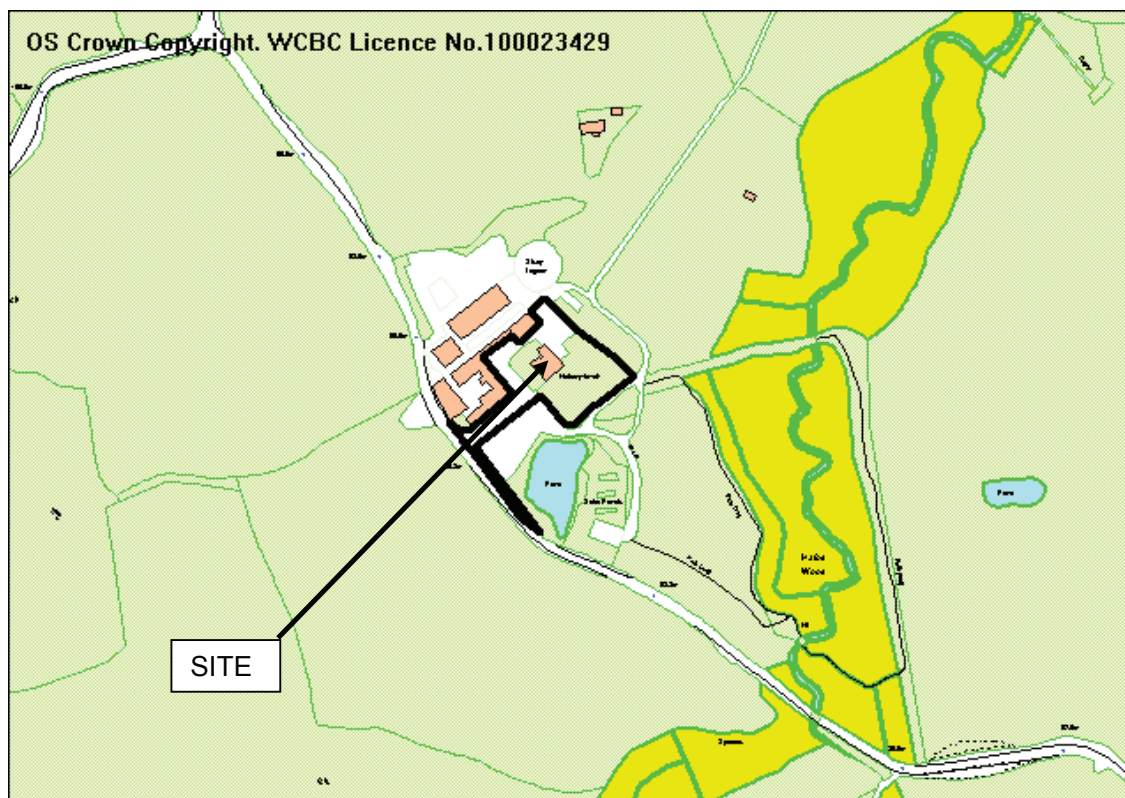
**WARD:**  
Ponciau

**APPLICANT(S) NAME:**  
MR M JONES

**AGENT NAME:**  
ROGER PARRY &  
PARTNERS LLP  
MR RICHARD CORBETT

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## THE SITE



## PROPOSAL

Planning permission is sought for the change of use of the existing farmhouse and associated curtilage from residential class C3 to business class B1 use. The planning application is made in retrospect.

## HISTORY

### Neighbouring land

|           |                                                                                                                                                                                                                                                         |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ESC 17978 | Conversion of existing farm buildings and erection of new buildings to create Farm-world Leisure and Educational Centre, construction of new silage pit and cubicle house and calf house, car parking and Welcome Reception Centre. Granted 11.06.1990. |
| CB00516   | Erection of dwelling. Withdrawn 29.10.1996.                                                                                                                                                                                                             |
| CB02215   | Erection of bungalow (in retrospect) and alterations to previously granted application for a Welcome Centre and temporary permission (3 years) for office and store. Refused 12.10.1998. Subsequent Appeal Allowed 01.09.1999.                          |
| CB03043   | Retention of portacabins. Granted 05.307.1999. Temporary permission until 31.07.2000.                                                                                                                                                                   |
| CB03523   | Display of advertisement balloon. Granted 06.09.1999.                                                                                                                                                                                                   |

## PLANNING POLICY

The site is located outside any defined settlement limit. Policies PS2, GDP1, E5 and T8 are relevant. Guidance is contained in Local Planning Guidance Note 16 – Parking Standards.

## CONSULTATIONS

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community Council:      | No objection.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Local Members:          | Notified 15.05.2019                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Site notice:            | Expired 25.06.2019                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Public Protection:      | No recommendation but recommends a noise generation condition.                                                                                                                                                                                                                                                                                                                                                                      |
| Highways:               | No objection in principle. The highway officer noted large vans parked on site near the main access. A dedicated parking area should be provided.                                                                                                                                                                                                                                                                                   |
| Welsh Water:            | A sewer crosses the site and no operational development shall be permitted 3m either side. No land or surface water shall be allowed to connect to the main foul drain.                                                                                                                                                                                                                                                             |
| Neighbouring occupiers: | No neighbouring occupiers notified. One representation received raising the following points: <ul style="list-style-type: none"><li>• The applicant has been running Knights construction from this farm which is an agricultural property in a rural location causing problems for local residents;</li><li>• Road access is unsuitable for the increase of traffic and his staff are disrespectful of other road users;</li></ul> |

- The lane is regularly blocked by delivery lorries this includes the delivery of large plant vehicles;
- He had loose dogs at the property as security but after they attacked sheep they had to be shot and over 20 sheep destroyed;
- There are regular fires in skips at weekends;
- There were king fishers in the river bank by this farm, but they have not been sighted since the applicant moved in;
- There are units available at Johnstown, Bersham and Wrexham, far more suited to purpose than this farm house;
- This is a house and we are told that there is a shortage of homes, so rent it out as a home, it is not an office block;
- There are a lot of security lights which are causing light pollution, this is a rural area with no street lights so why do we have to tolerate enough lights for a village in that small area;
- The outbuildings have been left to fall into disrepair, while they have stacked porta cabins on top of each other causing an eyesore;
- Considering this is a tourist area close to Erddig Hall and when there is an event on at the hall is included in there one way system, we really do feel that it is inappropriate use of this farm house.

## **SPECIAL CONSIDERATIONS**

**Background and policy:** This change of use application relates solely to the use of the former farm house and its accompanying curtilage as a B1 office/commercial building associated with a construction company. The accompanying application documentation provides detail of the floor plan of the farm house alterations. It is on this basis that the application has been determined. The site is located outside any defined settlement limit.

Whilst there are no specific planning policies in the adopted Wrexham UDP relating to the conversion of existing dwellings to commercial use, policy E5 does make provision for the conversion of existing buildings for small scale employment. Such proposals must accord with policy GDP1 (see below), utilise a building of sound construction, retain inherent characteristics and not result in an undesirable intrusion into the open countryside or cause access problems. I am satisfied, given the condition of the farmhouse that this proposal would accord with the principle of policy EC5

**Amenity:** The nearest residential property is 0.3km due west of the site. Representations have been made with observations that applicant's use of the site is causing detriment to the character of the wider locality due to the nature of traffic visiting the site.

This application relates solely to the use of the former farm house as a B1 commercial site. The nature of the applicant's business is as a construction contractor. It would not be unreasonable to expect the company's own vehicles to visit the site. Observations have been made that larger vehicles have been witnessed in the vicinity of the site delivering plant and machinery. The use of the site for the storage of building plant and machinery is likely to require a separate planning application if it was considered that the scale of that storage went beyond an ancillary use. This planning application must be determined in its own merits as contained in the application documentation. The use of the local highway network by HGV vehicles to the site on an ancillary basis would not be dissimilar to vehicles visiting a working farm i.e. feed delivery, milk collection, tractor traffic. At this stage I have no reason to believe that the use of the site for a B1 use would have a detrimental impact upon the immediate locality on the basis of disturbance to amenity.

**Highways:** Highways have raised no specific objection to the proposal. An observation has been made that the applicant's vans were parking on the site in close proximity to the site access. I would not wish to seek additional information to show a specific on site parking area. There are opportunities to park within the site and a further plan would not provide any further clarification.

**Other matters:** The representation received makes reference to on site activities which are not desirable such as fires. Creating fires as a method of waste disposal is not controllable through the planning process and would be a statutory nuisance controllable under the Environmental Protection Act. The same would apply to the excessive use of lighting if it were considered to harm nearby residents.

The siting of temporary buildings associated with the use of the site does not form part of this planning application. This observation has been raised with the Planning Enforcement Officer to determine whether there is a breach of planning control in this regard.

I have no evidence before me to suggest that the ongoing use of the site has resulted in the detriment to specific species or habitat.

**Conclusion:** I am satisfied that the use of the site for the purposes described in the application documentation is considered acceptable and accords with planning policy. I recommend accordingly.

**RECOMMENDATION:** That permission be GRANTED

### **CONDITION(S)**

1. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.
2. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no further development shall take place under Classes A to F of Schedule 2 Part(s) 8, other than the development hereby granted permission.

### **REASON(S)**

1. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
  2. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
  3. Due to the isolated and open aspect of the application site it is considered important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
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