The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Gwrandawiad a gynhaliwyd ar 26/09/17
Ymweliad â safle a wnaed ar 26/09/17

gan Kay Sheffield BA(Hons) DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 30.10.2017

Appeal Decision

Hearing held on 26/09/17
Site visit made on 26/09/17

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 30.10.2017

Appeal A: APP/H6955/A/17/3178856

Site address: App-Chem House, Hugmore Lane, Llan-y-Pwll, Wrexham, LL13 9YE

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 App-Chem Limited against the decision of Wrexham County Borough Council.
- The application Ref P/2016/1137, dated 09/12/2016, was refused by notice dated 07/03/2017.
- The development proposed is the retention of original listed barns and demolition of later additions, and redevelopment of site to provide 16 no. dwellings through the conversion of the barns (4 no. dwellings) and new build (12 no. dwellings), together with associated roads and sewers etc.

Appeal B: APP/H6955/E/17/3178860

Site address: App-Chem House, Hugmore Lane, Llan-y-Pwll, Wrexham, LL13 9YE

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by App-Chem Limited against the decision of Wrexham County Borough Council.
- The application Ref P/2016/1136, dated 09/12/2016, was refused by notice dated 07/03/2017.
- The works proposed are the retention of original listed barns and demolition of later additions, and redevelopment of site to provide 16 no. dwellings through the conversion of the barns (4 no. dwellings) and new build (12 no. dwellings), together with associated roads and sewers etc.

Decision

1. The appeals are dismissed.

Procedural Matter

2. Circular 61/96 Planning and the Historic Environment has been superseded by Technical Advice Note (TAN) 24: The Historic Environment, May 2017. The parties were reminded of this at the Hearing and I have had regard to TAN 24 and not the Circular in determining the appeals.

Main Issues

3. The main issues in respect of Appeal A are:
   - Whether the proposal would provide an appropriate site for housing having regard to planning policies which seek to strictly control new development outside settlement boundaries;
   - The effect of the development on the character of the area and on the character and setting of the curtilage listed buildings;
   - Whether the lack of open space provision would be detrimental to the living conditions of future occupants of the development; and
   - Whether there are other material considerations that would justify granting permission in particular with regard to housing supply and the sustainable credentials of the development.

4. The main issue in respect of Appeal B is whether the development would preserve or enhance the character of the listed building.

Reasons

The site and its surroundings

5. The appeal site lies at the junction of Hugmore Lane and Francis Lane. Whilst the site has agricultural origins, it has more recently been in commercial use and was only vacated by the Appellant earlier this year. The site is close to Wrexham Industrial Estate which was previously accessed via Hugmore Lane. Although the construction of the new link road severed the connection, a pedestrian route still remains. The northern end of Hugmore Lane is characterised by ribbon development which has been supplemented by some recent residential infill. Progressing southwards the character of the lane changes to one of scattered properties in surrounding fields before culminating in the cluster of properties within which the appeal site lies. There are no footways or street lighting along Hugmore Lane and despite its proximity to the industrial estate I consider the site to have a rural rather than a semi-urban setting.

6. The buildings on the site include a barn which lies on and forms the northern boundary with the adjacent courtyard. The eastern side of the courtyard is framed by another building which is attached to the barn subject of the appeal. A further building sits on the western edge of the courtyard and is separated from the appeal barn by the access into the courtyard from Hugmore Lane. These buildings are all curtilage buildings to the Grade II listed building, Holt Lodge Farm, and are deemed to be listed. The curtilage buildings not subject of the appeals have been converted to residential use.

7. The barn subject of the appeals is built of brick under a slate roof. A ground floor extension has previously been added along the full length of the southern elevation which involved the removal of the intervening wall. Although several original roof trusses remain at first floor level, internally the original character of the building has been lost. Attached to the barn is a large building which is a mix of brickwork and fabricated sheeting. This building has also been adapted for commercial use and little evidence of its agricultural origins remains. The remainder of the site is laid to hardstanding with substantial trees and hedges on the boundaries.

8. The proposed development includes the demolition of the ground floor extension to the barn and the removal of the attached building. The retained part of the barn would be converted into four dwellings and a further twelve dwellings would be erected on the remainder of the site together with an internal access road. The dwellings would include two terraces of three two-storey units fronting onto Hugmore

Lane. Set to the rear of the frontage dwellings there would be a pair of two storey dwellings with dormer windows to living accommodation contained within the roof and attached garages. A pair of similar dwellings to these would be sited almost centrally along the eastern boundary and to either side would be detached two storey dwellings with the upper floor being within the roof.

Planning policy with regard to location of housing

9. Wrexham Industrial Estate is defined as a settlement in the Wrexham Unitary Development Plan (UDP). The settlement boundary is to the south west of the appeal site where it runs along the western side of Hugmore Lane before turning to the west opposite Francis Lane. Although the site is close to the boundary it lies outside the settlement and is therefore classed as being in open countryside. Furthermore, the construction of the link road has created a firm boundary which visually divorces the site from the built development on the industrial estate.

10. The Council contended that although the industrial estate is defined as a settlement it would not be appropriate to direct new residential development to it. Whilst I accept that the effect of existing industrial uses on the living conditions of future occupants would be a material consideration in determining any residential proposals, I have not been directed towards any policy or guidance which prohibits such development within the confines of the settlement.

11. Policy PS1 of the UDP directs new development to within defined settlements and whilst Policy H5 allows new housing in the open countryside it is only in certain circumstances. One such circumstance is the conversion of an existing building. I agree with the Council that the principle of the conversion of the barn to residential use would be appropriate. Nevertheless given the proposal also includes the erection of new dwellings outside any recognised settlement I conclude that this part of the development would be contrary to Policies PS1 and H5 of the UDP.

Effect on the character and setting of the listed building and the surrounding area

12. Criterion a) of Policy GDP1 of the UDP states that all new development should "*ensure that built development in its scale, design and layout, and in its use of materials and landscaping accords with the character of the site and makes a positive contribution to the appearance of the nearby locality*". In addition Policy EC9 states that "*alterations or additions to and development or redevelopment within the curtilage of buildings, or structures listed as of special architectural or historic interest must respect the setting of the listed buildings or structures*".

13. The barn, together with the other curtilage buildings, contributes towards the significance of Holt Lodge Farm as a traditional farm complex. It is the northern elevation of the barn which is seen in the context of these buildings and the main house. No alterations are proposed to this elevation or the gable end which fronts Hugmore Lane. Therefore the current relationship between the main house and the buildings which frame the courtyard would remain unchanged.

14. The proposed removal of the lean-to extension and reinstatement of the southern elevation on its original line would result in a major change in the appearance of this aspect of the barn. Whilst the Council was of the opinion that the retention of the extension should be considered and suggested that a more modern design which would contrast with the northern elevation might be more acceptable, I am required to determine the appeals on the basis of the plans before me.

15. Although the proposed size and style of window at first floor level reflect the windows currently found in the southern and northern elevations, the proposed large openings at ground floor level of the southern elevation would be out of keeping with the existing building. Whilst the other curtilage buildings display large glazed openings, these show evidence of being original and face onto the courtyard. I understand the need to maximise the amount of natural light entering the units via the southern elevation. However, I am concerned that the fenestration at ground floor level would be at variance with the first floor both in terms of its size and rhythm and would display little connection with the historic farmstead.

16. I am also concerned that the design and layout of the proposed new build would result in a modern housing estate which would be more appropriate in a suburban rather than a rural setting. I am aware that the design of the access road with its large turning head and footways along both sides is a result of consultation with the Local Highway Authority and that a more relaxed approach with shared surfaces would reduce the impact of this element of the scheme. Nevertheless, I do not consider that the scale and design of the dwellings reflect the rural setting of the site. I am also not persuaded that the scheme takes any inspiration from the historic farmstead in the context of which the development would be viewed.

17. I have noted the Council's concerns regarding the density of the development and its contention that a smaller scale development might be more acceptable. However, the density proposed is in line with recognised standards and there is a possibility that in a different scheme the number of dwellings proposed could be satisfactorily achieved.

18. On balance, I conclude that due to its layout and design the development would harm the character of the area and would also fail to preserve or enhance the character of the listed building and its setting, contrary to Policies GDP1 and EC9 of the UDP.

Open space provision

19. According to Policy CLF5 of the UDP new developments of ten dwellings or more must provide informal public open space within the site which should be conveniently located for users, and usable for playing fields and/or equipped children's play areas and open amenity areas. The policy recognises that in the case of small urban infill sites it may not be practicable to provide public open space in accordance with the required standards and allows a developer to enter into a legal agreement for the costs of public open space. However, this is usually where the site is unsuitable for public open space provision; or the development would not place significant additional pressure on public open space facilities in the vicinity of the site.

20. I am advised that an area of 1280 square metres of informal public open space would be required as part of the development in order to meet the standard set by Policy CLF5. The Appellant explained that it had not been made aware of this requirement during the pre-application or application process and therefore land had not been specifically allocated as open space within the submitted layout. A small area comparable to the size of a children's' play area within the centre of the site was suggested by the Appellant as an amenity space which could be increased if a more relaxed approach was taken towards the design of the access road and footways. However, the area of land available would fall significantly short of that required by Policy CLF5 for the scale of development proposed and despite its central location within the site, it would be close to several dwellings which could result in an unacceptable effect on the living conditions of future occupants.

21. Although the Appellant also suggested that the landscaped boundaries to the site could form amenity space, they are mostly proposed to form part of the gardens to the dwellings. Whilst it was confirmed at the Hearing that the garden sizes are generally in excess of the required standard, I have no substantive evidence as regards the total area which could be made available. Furthermore to release part of the gardens for use as public open space would require an amended layout. This could result in a scheme significantly different from the one before me.

22. I am aware that there are no public open space facilities within the immediate vicinity of the site and acknowledge that this is not uncommon in rural areas. Nevertheless it is a policy requirement to provide public open space for the scale of development proposed and given the lack of any usable space within the submitted layout I conclude that the development would fail to satisfy Policy CLF5 of the UDP.

Other material considerations

23. The Council is unable to demonstrate a five year housing land supply and according to paragraph 6.2 of TAN 1: Joint Housing Land Availability Studies, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with national planning policies. An additional 16 dwellings would help increase housing supply.

24. Although Planning Policy Wales (PPW9) advises that new residential development in open countryside away from established settlements should be strictly controlled, it is supportive of the re-use of previously developed land. I acknowledge that the marketing exercise undertaken by the Appellant did not result in any commercial interest in the site and that the agents recommended that consideration be given to residential development as an alternative use of the land. However it is recognised in paragraph 4.9.1 of PPW9 that not all previously developed land is suitable for development, for example due to the location of the site.

25. The evidence demonstrates that the site is within walking distance of employment on the industrial estate and within reasonable cycling distance of Wrexham. Moreover, there are bus stops within acceptable walking distance and although access to the service between Wrexham and Chester requires a walk along Hugmore Lane, I do not consider that the lack of a footway or street lighting would preclude people from using the service. I accept that the various bus routes between Wrexham and the industrial estate favour those working on the estate. Nevertheless the Council agreed that it is a service which would allow people to attend work in Wrexham and return home during the normal working day.

26. It is acknowledged that there are no schools, shops or other local services within easy reach of the site which would likely result in reliance on the private car for journeys of this nature. Whilst this raises concerns regarding the sustainability of the site in terms of its location, I do not consider its sustainability credentials to be any less than the new dwellings recently constructed in the local area or the conversion scheme which the Council has deemed to be acceptable in principle.

Conclusions

27. I have found that the proposed development of land outside of the recognised settlement boundary would be contrary to local and national planning policies. I have also concluded that the proposal would harm the character of the area and would also fail to preserve or enhance the character of the listed building and its setting. Furthermore the proposal would fail to make the necessary provision for public open space. Balanced against these matters are the sustainable credentials regarding the

location of the site and the lack of a five year housing land supply. However, I do not find these sufficient to outweigh the concerns I have identified.

28. 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.

29. For these reasons, and having had regard to all other matters raised, the appeals are dismissed.

Kay Sheffield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr M Gilbert DipTP MRTPI MRICS	The Planning Consultancy
Mr C Counsell	App-Chem Limited
Mrs E Snowdon	App-Chem Limited

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Phillips BSc(Hons) MSc MRTPI	Lead Officer Planning Control
Ms M Rees BSc(Hons) MSc MRTPI	Planning Officer

DOCUMENT

1 Council's letter dated 22/08/2016 regarding the arrangements for the Hearing.