

**Town and Country Planning Act 1990**

**Local Planning Authority Statement of  
Case**

**APPEAL RELATING TO LAND NORTH OF  
CROSS LANES ROUNDABOUT, BETWEEN  
SESSWICK WAY AND BEDWELL ROAD,  
CROSS LANES, WREXHAM, LL13 0PA**

**PINS Refs: APP/H6955/A/17/3167412  
LPA Planning Refs: P/2016/0533**

## **1.0 THE SITE**

- 1.1 The site consists of a parcel of land extending to approximately 0.84 hectares and is located adjacent to the southern Wrexham Industrial Estate (WIE) link road. The land is accessed by a standard agricultural gate in to the link road.
- 1.2 The site is located approximately 180 metres to the north west of the Cross Lanes settlement and 0.8km due south of the WIE settlement area.
- 1.3 The land is currently designated as agricultural land in planning terms.

## **2.0 PROPOSAL**

- 2.1 The appeal relates to the proposal for the erection of two buildings for poultry rearing purposes along with feed silos, a temporary unit of accommodation as well as access improvements and associated hardstanding.

## **3.0 LOCAL PLANNING CONTEXT**

- 3.1 The relevant development plan for this appeal is the Wrexham Unitary Development Plan (UDP) as adopted by the Council in 2005. For the purposes of this appeal, policies PS2, GDP1, EC3, EC4, EC13, and T8 are relevant.
- 3.2 Policy PS2 is a strategic policy which aims to ensure the broad location of development.
- 3.3 Policy GDP1 states that new development should:
  - (a) 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 locality,
  - (d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
- 3.4 Policy EC3 seeks to ensure that new agricultural buildings are sited as not to be materially detrimental in terms of its impact upon the environmental and landscape. It seeks to direct new buildings towards existing farm complexes and permit isolated new buildings only in exceptional circumstances.
- 3.5 Policies EC4 and EC13 refer to the need to protect hedgerows and trees with significant amenity value as well as ensure that new

development does not result in significant increases in surface water runoff.

- 3.6 Policy T8 requires that all new development should provide, either on site or in close proximity, parking provision in accordance with the Council's current parking standards.
- 3.7 Paragraph 4.1 of the UDP states that the Council will, from time to time issue supplementary planning guidance with the aim of encouraging high standards of development and design. Accordingly, Local Planning Guidance Notes 16 – Parking Standards and 17 - Trees and Development are relevant.

#### **4.0 THE COUNCIL'S CASE**

- 4.1 The Council's justification for its decision and case against the appeal is outlined at Appendix 1.

#### **5.0 SUGGESTED CONDITIONS**

- 5.1 Should the Inspector be minded to allow either appeal, the Council respectfully requests that consideration be given to the following conditions:

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

**Reason:** To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. The development shall be carried out in accordance with the following approved plans and documents: Location Plan dated 13-10-2016, Location Plan dated 06-10-2016, Block Plan dated 06-10-2016, Block Plan dated 31-05-2016, Proposed Elevations dated 31-05-2016, Proposed Floor Plan 31-05-2016 and Roof Plan dated 31-05-2016.

**Reason:** To ensure that the development fully complies with the appropriate policies and standards.

3. Prior to their use on the development samples of all external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.

**Reason:** In the interests of the visual amenity of the area.

4. The occupation of the residential unit of accommodation hereby approved shall be restricted to a person solely or mainly working on the enterprise hereby approved, or a widow, widower or surviving civil partner of such a person, and to any resident dependents.

**Reason:** In order to ensure that the dwelling is occupied in a manner which reflects its need in an area where residential development is not normally permitted.

5. Within three years of the date of this decision, the use of the unit of residential accommodation as mentioned in condition no. 4 shall cease and be abandoned and the structure shall be removed from the site.

**Reason:** In order to ensure that the dwelling is occupied in a manner which reflects its need in an area where residential development is not normally permitted and the applicant has been given sufficient time in order to justify the need for the accommodation.

6. No development shall commence until a scheme of great crested newt avoidance, mitigation and compensatory measures and management regime based on the proposals outlined in the approved ecological report entitled Great Crested Newt Method Statement of Bowland Ecology October 2015 has been submitted to an approved in writing by the local planning authority. The development shall be carried out in accordance with the details as may be approved.

**Reason:** To protect great crested newts which would otherwise be harmed or lost by the development hereby permitted.

7. The development hereby approved shall not commence unless the local planning authority has been provided with either:  
a) a licence issued by the Welsh Government pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified development to go ahead; or  
b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licence.

**Reason:** To protect great crested newts which would otherwise be harmed or lost by the development hereby permitted.

8. A compliance audit shall be carried out by a qualified ecologist, independently of the appointed principal ecologist, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. A copy of the completed audit reports should be submitted to and approved in writing by the Local Planning Authority after each phase of development.

**Reason:** To protect great crested newts which would otherwise be harmed or lost by the development hereby permitted.

9. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping and a management plan for the landscaping and

associated/resulting screening, which shall include indications of all existing trees, shrubs and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Planting within the scheme of landscaping shall include proposals for the road frontage and the access road.

**Reason:** In the interests of the visual amenity of the area.

10. The approved scheme of landscaping shall be carried out within 12 months of the commencement of the development hereby permitted; and any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

**Reason:** In the interests of the visual amenity of the area.

11. The buildings hereby permitted shall only be used as a broiler chicken rearing unit, as described in the application documentation.

**Reason:** In order to define the terms of the planning permission.

12. A scheme for external lighting shall be submitted to and approved in writing by the local planning authority before the building and structures hereby permitted are brought into use. External lighting at the site shall thereafter only be installed in accordance with the approved scheme and retained as such.

**Reason:** In order to protect species which may otherwise be harmed by the operation phase of the development.

## **6.0 CONCLUSION**

- 5.1 The Council considers that the proposal would represent an inappropriate and unsustainable form of development in the open countryside that would not accord with the principles of established national and local policy relating to new buildings within the open countryside. The Council therefore respectfully requests that the Inspector dismisses the appeal.

# APPENDIX 1

P/2016/0533

| CONSULTATION RESPONSES  | Supports | Objects   | No objection or no comments | Comments | No reply |
|-------------------------|----------|-----------|-----------------------------|----------|----------|
| Community Council       |          | X         |                             |          |          |
| Local member(s)         |          |           |                             |          | X        |
| Highways                |          |           | X                           |          |          |
| Public Protection       |          |           | X                           |          |          |
| Natural Resources Wales |          |           | X                           |          |          |
| Welsh Water             |          |           | X                           |          |          |
| Other                   |          |           |                             |          |          |
| Neighbours              |          | Objection |                             |          |          |

|                  |      |
|------------------|------|
| RELEVANT HISTORY | None |
|------------------|------|

| PLANNING POLICY/CONSTRAINTS          | YES | ACCEPTABLE | NOT ACCEPTABLE |
|--------------------------------------|-----|------------|----------------|
| Outside settlement                   | x   |            | x              |
| Inside settlement                    |     |            |                |
| Conservation Area                    |     |            |                |
| Listed Building/ setting             |     |            |                |
| Green Barrier                        |     |            |                |
| Special Landscape Area               |     |            |                |
| Flood Risk                           |     |            |                |
| Within Buffer Zone or affecting SAC* |     |            |                |
| World Heritage Site                  |     |            |                |
| AONB                                 |     |            |                |
| Other                                |     |            |                |

| LOCAL PLANNING GUIDANCE | ACCEPTABLE | NOT ACCEPTABLE |
|-------------------------|------------|----------------|
| 16 - Parking Standards  | x          |                |
|                         |            |                |
|                         |            |                |
|                         |            |                |

| KEY ISSUES          | Acceptable | Not Acceptable | Observations below | N/A |
|---------------------|------------|----------------|--------------------|-----|
| Residential Amenity | X          |                | X                  |     |
| Design              |            | X              | X                  |     |
| Highway safety      | X          |                |                    |     |
| Parking             | X          |                |                    |     |
| Conservation/LB     |            |                |                    | X   |
| Ecology             | X          |                | X                  |     |
| Trees               |            |                |                    | X   |
| Other               |            |                |                    | X   |

## OBSERVATIONS:

### Policy:

This is effectively an application to establish a new agricultural business (broiler chicken rearing) with associated living accommodation, feed and bedding storage and associated vehicular access, parking and turning provision.

Policy EC3 of Wrexham UDP confirms that new agricultural buildings in the open countryside are acceptable in principle, but they must not be materially detrimental in terms of their impact upon the landscape. Isolated buildings are only allowed in *exceptional circumstances* where there is an essential agricultural need and no reasonable alternative has been demonstrated.

In this instance, the building will not be directly adjacent to the existing farmstead building, and it will have separate and independent access to the adjoining road network. To all intents and purposes this will be an entirely new agricultural enterprise not linked to any existing farmstead. This point has been raised with and acknowledged by the application.

In addition to the UDP policies, PPW Edition 9 is also a relevant document, and this should also be considered together with their guidance from TAN 6: Planning for Sustainable Rural Communities.

PPW8 confirms that the priorities for rural areas are:

- sustainable rural communities with access to affordable housing and high quality public services;
- thriving and diverse local economy where agriculture-related activities are complemented by sustainable tourism and other forms of employment in a working countryside
- an attractive, ecologically rich and accessible countryside in which the environment and biodiversity are conserved and enhanced

Para 7.6.5 of PPW confirms that the Council is required to adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices.

Para 3.1.2 of TAN 6 confirms that Planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment. However para 3.1.3 confirms that expansion of businesses that are currently located in the open countryside can only be provided if there are no unacceptable impacts on local amenity.

Para 3.7 of TAN 6 refers to farm diversification projects and the need to take a proportionate approach to public transport and the need for improvements to the local highway network. Buildings are required to be sensitively located and new buildings can be considered. Para 3.10 also states that farm plans can be useful to help support applications for farm diversification.

As a result of the above, it is considered that there are a number of matters that are relevant, and these are raised below under separate headings.

It is considered that this application has been submitted as an agricultural project rather than a non-agricultural one, and therefore the issues for this application are the principle of the location of the buildings, the scale (size of new building and associated work), and how this impacts the visual character of the area, and any other material planning considerations, including those raised by policy GDP1.

Policy EC3 allows the construction of new agricultural buildings unless they will have a materially detrimental impact upon the landscape or the wider environment. **The development should form part of an existing farm complex. Isolated buildings will only permitted in**

**exceptional circumstances where there is an essential agricultural need, and no reasonable alternative location for the development can be found.** Policy EC3 acknowledges that farm businesses need to change and grow in response to market forces. However, it further states that problems can arise due to proposals which are unusually large or in sensitive locations.

In terms of the principle of the location of the building, it is proposed within its own field parcel. The applicant has not provided any documentary supporting information to suggest that they have control over any other land immediately adjoining the site. There are no existing buildings within or immediately adjoining the site, the nearest buildings being independently owned 200 metres in a northerly, westerly and southerly direction. An existing former farmstead to the west converted for residential purposes, the northern fringe of the Cross Lanes settlement to the south and a range of buildings to the north consisting of a farmstead, abattoir and agricultural contracting business site.

The justification provided by the applicant in line with policy EC3 of the UDP is as follows:

- Ready access to the highway network;
- the site is well located in terms of minimising food miles given the proximity to large animal feed mills, chick hatchery;
- the proximity to the approved Maelor Creamery chicken processing plant;
- the proposed building is fitted out for its purpose and it is not the case that an existing farm complex could be adapted for the proposed use
- the existing UDP has been superseded by the Well-being and Future Generations Act 2015 and the Wales Animal Health and Welfare framework.
- bio-security is a key reason not to be located on an existing farmstead

The applicant also argues that the reasoned justification to policy EC3 recognises that there is a continued need to invest in modern farming practices. Farm businesses need to change and adapt to market forces.

The Council's response to the arguments put forward are as follows:

Local and national planning policy supports the diversification of the rural economy. The main issue in this instance relates to the erection of a large and entirely new, standalone agricultural unit with ancillary works along with a temporary residential unit of accommodation. The Council does not accept the approach that, to not allow the development would preclude the provision of new rural/agricultural enterprises. It is this particular issue that the both tiers of planning policy is seeking to control. To allow ad-hoc standalone enterprises would result in the sustainability principles of land use in the open countryside being eroded. In this instance there are no existing clusters of buildings which can be utilised, effectively grouping the visual impact of the development utilising existing services and infrastructure. The Council considers that to allow the development would not be an efficient use of the land and can find no instances of support or justification within the application documentation that outweighs both tiers of planning policy.

PPW, TAN6 and TAN23 support rural diversification schemes. As a standalone new development, this does not result in a diversification of an existing rural enterprise and the Council does not consider that the support afforded in the aforementioned planning policy guidance is applicable.

Policy EC3 does have the caveat that isolated building will be permitted in exceptional circumstances. I fail to see that the above summarised points put forward by the applicant sufficiently justify the exceptional need for the isolated location and no further submissions have been made which demonstrate that no reasonable alternative locations are available. Whilst the reduction in 'food miles' is noted, there is nothing to say that the specific location as chosen is any better than other sites within the locality had an assessment been carried out.

Given the lack documentary evidence to justify the exceptional need to locate this new agricultural operation in this area, and no evidence of the consideration of any alternative locations for the operation, I consider that this proposal would ultimately fails on planning policy grounds.

### **Amenity:**

Public Protection has confirmed that the development will require an IPPC permit issued by NRW. The permit will cover issues of environmental impact from the within the site boundary that would cause nuisance to the public – odour, noise, water pollution. I understand that such a licence has been issued by NRW. As such, I am satisfied that this would negate the need to consider impacts upon the neighbouring site occupiers as this would be a matter dealt with by other legislation (i.e. the IPPC permit)

However, this does not cover issues relating to noise that would be caused as a result of the development but would occur off site. The primary issue here is traffic movements. The impact is unlikely to be detrimental given the proximity to a significant strategic highway linking to the Wrexham Industrial Estate.

I therefore consider that the proposal will have limited impact upon the amenity of nearby residential occupiers and would not result in a reason to refuse planning permission on those grounds.

### **Highways:**

The site is located adjacent to the to a classified road and is proposed to utilise an upgraded agricultural field access. Highways have not raised any concerns regarding the proposed approach to the access and the site access can be suitably upgraded without causing harm or hindrance to highway safety or landscape standards.

The likely traffic movements associated with the development are deemed at a level that can be satisfactorily managed by the highway network and the surrounding highway standard is such that there is unlikely to detriment public safety.

On site turning provision and parking is deemed acceptable for the level of development.

### **Ecology:**

NRW are satisfied that the proposal will not have a detrimental impact upon the long term favourable conservation status of protected species protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Additional information can be presented as part of the application or by way of condition to provide method statements for mitigation and management. Biosecurity and compliance audit details are also required should the proposed development be recommended for approval. On this basis, the Council is satisfied that the proposed development would accord with the guiding principles of TAN5.

### **Flooding/drainage:**

No information has been provided with the application to demonstrate that the site can accommodate surface water disposal without causing an increase in runoff rate beyond that currently experienced - a requirement of policy EC13 and TAN15. However, I have no specific reason to believe that the erection of such buildings on the site, given the greenfield nature of the site, would result in such an occurrence and it is likely that on site attenuation could be accommodated on the site.

The site is not within Zone A as defined by the fluvial maps in TAN15.

| RECOMMENDATION |                                 |
|----------------|---------------------------------|
| GRANT          |                                 |
| REFUSE         | X – Cllr J. Pritchard notified. |
| S106           |                                 |