
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 24/01/17

gan Kay Sheffield BA(Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 16.02.2017

Appeal Decision

Site visit made on 24/01/17

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 16.02.2017

Appeal Ref: APP/H6955/A/16/3162005

Site address: Barn adjacent to Jubilee House, Sun Lane, Bowling Bank, Wrexham, LL13 9RP

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 Mr S Rawson against the decision of Wrexham County Borough Council.
 - The application Ref P/2016/0625, dated 30/06/2016, was refused by notice dated 23/09/2016.
 - The development proposed is barn conversion to form a residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for barn conversion to form a residential dwelling at the barn adjacent to Jubilee House, Sun Lane Bowling Bank, Wrexham, LL13 9RP in accordance with the terms of the application, Ref P/2016/0625, dated 30/06/2016, and the plans submitted with it, subject to the conditions set out in the Annex to the decision.

Main Issue

2. The main issue is whether, due to the scale of the works proposed, the development would be tantamount to the erection of a new dwelling in the countryside.

Reasons

3. The appeal site lies within open countryside and outside any settlement recognised in the Wrexham Unitary Development Plan, 2005 (the UDP). The barn proposed for conversion together with the attached two storey shippin and Jubilee House forms a cluster of buildings where the original hierarchy of the buildings is still evident. The barn is L-shaped and forms the eastern and southern sides of a small courtyard with the western side comprising the shippin, which has been converted to residential use. Jubilee House is set a short distance to the north of the open end of the courtyard. The eastern section of the barn is two storeys with a single storey section to the rear. The southern section is single storey and is attached to the shippin with a passageway through to the courtyard.
4. The Council granted planning permission in 2006¹ for the conversion of the eastern section of the barn to a residential dwelling and although the drawings show the

¹ Application Ref: P/2006/0935

retention of the southern single storey element, only part of it was to be converted. Planning permission was subsequently sought for a revised scheme² which proposed to convert the whole of the barn to residential. The application was refused contrary to officer recommendation and the appeal application was submitted in an attempt to overcome the refusal which included grounds reiterated in the current case.

5. Whilst the Council previously found the principle of the conversion of the barn to residential to be acceptable, it contends that the southern section does not form part of the bulk of the main building, but an ancillary store building. No assessment has been made of the contribution this section of the building makes to the overall character of the site and whilst interested parties have stated that the building was erected for storage not associated with agriculture, there is no substantive evidence in support of this contention.
6. The southern section was described by the Council as comprising brick pillars supporting a metal clad roof. Works have already been carried out to this elevation and the original extent of the brick pillars and openings is no longer visible. Furthermore the extent of the original brickwork is unclear in the drawings which accompanied the 2006 application. However, the Council has calculated that the rebuilt walls constitute 28% of the total surface area of the walls of the building. Whilst the Council contends that the amount of rebuild would significantly exceed the 10% limit stated in its Local Planning Guidance Note No. 3 *Converting Rural Buildings* (LPGN 3), I have only been provided with final figures and not the calculations which led to this conclusion.
7. I am not aware that any sections of wall in other parts of the building need to be rebuilt and given the description of the original southern elevation as comprising brick pillars I consider some of the works would comprise new brickwork to close existing openings, the need for which is recognised in LPGN 3. On this basis I am not persuaded by the Council's conclusion that the works which would constitute rebuild would be tantamount to the erection of a new dwelling. Furthermore, the design of the southern elevation is sympathetic to the form of the existing building and the attached shippon. The design bears strong similarities to the scheme approved by the Council in 2006 and it continues to define the hierarchy of the buildings within the cluster and maintains the relationship between them.
8. It is noted from the Ecological Appraisal submitted as part of the planning application that the barn is being used as a day roost by a singular Common Pipistrelle bat, a protected species. Under the Conservation of Habitats and Species Regulations 2010 the presence of a European Protected Species has to be taken into consideration in reaching a decision on the appeal. In addition to the need for an appropriate licence in order to carry out the proposed works, appropriate mitigation is required. The Council and statutory consultees considered that the proposed mitigation detailed in the Ecological Appraisal was both appropriate and proportionate and subject to the measures detailed in the appraisal being implemented, it was found that the development would not be likely to be detrimental to the maintenance of the favourable conservation status of the local population of common pipistrelle bats. On the evidence before me I am similarly satisfied.
9. Interested parties have raised various concerns about the proposal including light pollution, increased traffic, foul drainage and the operation of a business from the site.

² Application Ref: P/2016/0004

In respect of light emanating from the development, the use of existing openings and the retention of inherent characteristics of the building are elements sought in barn conversion schemes. Whilst light from the barn in association with its residential use would differ from its previous use, there is no evidence that it would constitute light pollution. The concerns regarding increased traffic and drainage are noted. However I have no evidence that the traffic generated by the development would be detrimental to highway safety or that satisfactory drainage could not be provided. In respect of the operation of a business from the site, this is a separate matter for the Council and not for me to consider in determining the appeal.

10. The evidence leads me to conclude that the proposed works would not be tantamount to the erection of a new dwelling, in accord with Policy H3 of the UDP and LPGN 3 which support the conversion to residential use of buildings outside settlement limits.
11. I have had regard to the conditions suggested by the Council in the light of Welsh Government Circular 016/2014 *The Use of Planning Conditions for Development Management*. As works which constitute part of the scheme before me have been undertaken and the Council's recognition that the development has commenced the standard commencement condition is not necessary. In the interests of visual amenity I have confirmed the drawings on which my decision is based and removed permitted development rights in order that future development on the site including alterations and extensions to the dwelling, the erection of outbuildings and construction of hard surfaces together with works relating to gates, fences, walls or other means of enclosure can be controlled.
12. Also in the interests of visual amenity the details of the external materials and finishes, boundary treatments and hard surfacing materials are to be confirmed and the type of roof light is specified. In the interests of highway safety the provision and retention of space for parking and turning is required. In order to protect the living conditions of the occupants of nearby properties the times of work on site and deliveries to it are regulated. Finally in the interests of biodiversity, the need to implement the recommendations of the Ecological Appraisal and secure any necessary licence is confirmed.
13. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.
14. For the reasons given above, and having had regard to all other matters raised, the appeal is allowed.

Kay Sheffield

INSPECTOR

Schedule of conditions

- 1) The development shall be carried out in accordance with the following approved plans and documents: R056/004 Rev D Sheet 1 of 2; R056/004 Rev D Sheet 2 of 2; R056/005 Rev C Sheet 1 of 1.
- 2) Notwithstanding the provisions of Classes A, B, C, D, E, F and G of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no further works shall take place other than those expressly authorised by this decision and shown on the approved plans.
- 3) Within one month of the date of this decision, details of the materials to be used in the construction of the external surfaces of the building shall be submitted to the local planning authority for its written approval. The development shall be carried out in accordance with the approved details.
- 4) The roof lights to be installed as part of the approved scheme shall be of the conservation type only fitted flush with the adjoining roof surface.
- 5) All external joinery shall have a painted finish. Details of the colour of the painted finish shall be submitted to and approved in writing by the local planning authority. All the external joinery shall be painted in accordance with the approved details prior to the occupation of the building as a dwelling and thereafter the colour of the painted finish shall not be changed without the prior written consent of the local planning authority.
- 6) The parking and turning provision identified on the approved plan R056/005 Rev C Sheet 1 of 1 shall be kept clear of obstructions and permanently retained for the parking of motor vehicles.
- 7) Notwithstanding the details given on the approved plans, details of all new and replacement boundary treatments and hard surfacing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and completed before the occupation of the building as a dwelling.
- 8) All works relating to the implementation of this decision, including deliveries to and/or leaving the site shall not take place outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.
- 9) The development shall be carried out in accordance with the conclusions and recommendations set out in the approved Ecological Appraisal Including Dusk Survey Results of The Tyrer Partnership dated 15/06/2016. The measures identified shall be implemented prior to the first occupation of the building as a dwelling and retained thereafter.
- 10) No work shall take place on the site until the local planning authority has been provided with either:
 - a) A licence issued by Natural Resources Wales pursuant to Regulation 53 of the Conservation and Habitat Regulations 2010 authorising the development; or
 - b) A written statement from the relevant licencing body to confirm that the development does not require a licence.