

**Section 78 Appeal at: TALWRN FARM, TALWRN ROAD, LEGACY, WREXHAM**

**PLANNING APPLICATION FOR THE ERECTION OF A BARN EGG LAYING UNIT WITH  
FEED BINS, HARDSTANDINGS, ACCESS TRACK & ALTERATIONS AND UPGRADING  
OF EXISTING ACCESS ONTO TALWRN ROAD (P/2014/0372)**

**Statement of Objection from an Interested Party**

**Mr Dyfed Rowlands - Wood Dale, Talwrn Road, Legacy, Wrexham, LL14 4ER**

Dear Sir/Madam Inspector,

We are writing to put forward our strong objections and concerns to the above appeal at Talwrn Road.

As you will be aware the previous application (P/2013/0283) was refused on a number of grounds:

- 1. Its siting and scale will have an adverse visual impact upon the special landscape area, where priority is given to the conservation and enhancement of the landscape. The development would be contrary to Policy EC5 of the Wrexham UDP.*
- 2. The development is located in an isolated location some distance from the existing farm complex. By virtue of the buildings scale and its sensitive location would represent a further unnecessary visual intrusion into the landscape, contrary to Policy EC3 of the adopted Wrexham UDP.*
- 3. The surrounding highway network and approach roads to the site are substandard and unsuitable to accommodate the anticipated increase in heavy goods vehicle traffic movement generated by the proposed use. To allow the proposed development would therefore have an adverse affect upon highway safety in the area and would be contrary to policy GDP(d) of the Wrexham UDP.*
- 4. The proposed development would result in an unacceptable increase in noise, odour and HGV traffic movements within close proximity of residential properties, adversely affecting the existing residential amenity of the area. The development would be contrary to policy GDP1(f) of the Wrexham UDP.*

When we received the details of application that is the subject of this appeal it was clear to see that it is simply a rehash of the previously refused scheme but now with a different and even more detrimental access proposal. From the outset we would therefore state that we consider the 4 reasons for refusal from the previous scheme are still very much applicable to your considerations and should carry significant weight in your decision making for this appeal.

The decision of the committee to again refuse the application that is the subject of this appeal was very much welcomed by the local community and we fully agree with the four reasons for refusal – which we hope you will also agree with and subsequently dismiss this appeal.

The key areas of concern and objection that we have to this appeal are set out in the following sections:

#### Highways and Road Safety

As is noted above the proposed access position is considered to be located in a position that will cause an even greater adverse impact to the surrounding highway network than the original refused access point.

Although the highways officer did not object to the application there are a number of points raised in their consultee response that provide significant cause for concern. They accept that the surrounding roads are not ideal for this use and that *"...the roads giving access to the site from further afield e.g. B5097 and B5426 are below current design standards, and they are not ideal for use by HGVs."* If this is the case then planning permission should not be granted for this scheme as its use would bring more HGV traffic to local roads that are not suited to vehicles of that size and weight in close proximity to residential properties.

Despite the comments of the highways officer we as local residents who drive past the site on a daily basis are still adamant that adequate visibility splays cannot be safely achieved from this access point. A number of existing mature trees and hedgerows would need to be removed in order to provide even a sub-standard line of visibility due to the existing curve of the road.

We would also question how the highways officer came to their decision as there is a complete lack of any detailed supporting transport information for the application with no details provided on the access visibility splays and in particular vehicle tracking plans to prove that HGVs can access and exit the site safely and without detriment to road users or neighbours. The access track does not seem to be of a particularly sensible design as there are no passing points in the event of oncoming vehicles.

There was also no detailed evidence submitted to show the likely trip calculations other than a list of estimates within the design and access statement that there will be no more than 3 vehicles per week on average. Within the previous application it was stated that there could be sometimes up to 20 vehicles entering the site at peak operating periods. We would therefore question how the Councils highways team would be able to effectively monitor the number of vehicles coming in and out of the site and as such would be concerned as neighbours that we are likely to have our amenity disturbed through unrestricted vehicle movements to and from the site.

We therefore consider reasons 3 and 4 for refusal still very much apply and therefore the appeal should not be allowed on highway grounds.

#### Visual Impact

The buildings are of a visually intrusive design and their siting will have a demonstrable and detrimental effect within a special landscape area that should merit a planning refusal. The proposals are to install hardstanding and buildings on greenfield land and would be out of character in relation to its immediate surrounds. The applicants have also not provided any details in relation to a visual impact assessment as it is obvious that the scheme would cause an unnecessary visual intrusion in this sensitive location.

We therefore consider reasons 1 and 2 for refusal still very much apply and therefore the appeal should not be allowed on the grounds of causing harm to a special landscape area by being visually intrusive to the landscape as a result of its scale and setting within such a sensitive location.

#### Odour & Noise

The proposed use will have inevitable odour and noise issues for existing residents in the surrounding areas and as such will significantly impact upon their existing amenity. As such reason 4 of the decision to refuse the application should be upheld and the appeal dismissed.

#### Ecology

Although it was not a reason for refusal we consider that the application should also have been refused on the ground of ecology as insufficient evidence has been provided to allow the decision to be made.

The site is located within proximity to a number of ponds that are considered suitable for Great Crested Newts however there was no newt survey submitted as part of the application. The phase 1 habitat report also noted the likely presence of reptiles which should merit the need for a further reptile survey. We would therefore object that adequate ecological surveys have not been carried out to assess the impact upon protected species and as such the application should not have been validated in the first place. Furthermore the PH1 habitat report should have been considered out of date as it is almost a year old.

#### Conclusion

Within the applicants planning policy section of their submitted design and access statement they make reference to UDP policy EC3 in order to justify the proposed application.

Policy EC3 states:

***Policy EC3** The construction of new agricultural buildings will be permitted unless the development is materially detrimental in terms of its impact on 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. Isolated buildings will only be permitted in exceptional circumstances where there is an essential agricultural need, and no reasonable alternative location for the development.*

This statement of objection shows that there is a clear and demonstrable detrimental impact arising from this proposal on the environment, highways, neighbour amenity and the surrounding landscape. The proposals do not relate well to the existing farm complex and as stated earlier are a simple rehash of the previously refused scheme with an even more detrimental access proposal. We consider the application is contrary to policies EC3, EC5, GDP (d) and GDP1 (f) of the Wrexham UDP.

The appeal should therefore be dismissed with the reasons for refusal upheld.