



Property Advisers

Planning Statement

December 2014

15673/106682

Land at Gwern - Y- To Farm,
Shocklach Road,
Threapwood,
Malpas,
SY14 7AZ

Prepared for

Lister Carter Ltd

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1. Introduction

- 1.1 Matthews & Goodman LLP is instructed by Lister Carter Ltd to submit an application for the demolition of the existing house and shippon barn, for the erection of a new 4 bedroom family house and refurbishment of the existing stable building at Gwern-Y- To Farm, Shocklach Road, Threapwood, Malpas.
- 1.2 The scope and purpose of this Statement is to respond to the planning issues arising in the context of planning policy. This Statement justifies the proposal in this regard.
- 1.3 The statement is structured as below:
- Chapter 2 – Site and surroundings;
 - Chapter 3 – Proposed development;
 - Chapter 4 – Policy review;
 - Chapter 5 – Policy assessment;
 - Chapter 6 – Design & Access Statement; and
 - Chapter 7 – Conclusion.

2 Site and Surroundings

- 2.1 The site is located approximately 1.5 miles from the village of Shocklach. Shocklach is situated approximately 1.5 miles West from the border between Wales and England, and is approximately 4 miles from the town of Malpas.
- 2.2 The site is relatively flat and incorporates a red brick dwelling and poorly constructed shippon barn to the north. To the south of the site lies a red brick two storey hay barn, stable block and small outbuilding.
- 2.3 A small brook runs through the site to the north boundary with a copse of trees adjacent.
- 2.4 None of the buildings on the site are listed and the site is not located within a conservation area or within a Green Belt allocation.
- 2.5 The house is currently accessed via an existing gate off Frog Lane which is adjacent to a main road known as Wrexham Road (B5069).
- 2.6 The house includes a two storey former farmhouse which along with a 2 storey barn and shippon building which would require complete renovation. The images on the following page show each of these buildings. It is evident that the shippon is currently in a state of disrepair.
- 2.7 The existing access to the site is located off Frog Lane, however because of the vacant and derelict condition of the site, the driveway and entrance has become overgrown. As part of the scheme, the existing entrance and driveway will be reinstated.

Figure 1



Existing House

Figure 2



Existing Barn

Figure 3



Existing Shippon

3 Proposed Development

3.1 The application is sought for:

The demolition of the existing house and shippon building, for the erection of a new 4 bedroom family house and refurbishment of the existing stable building.

3.2 The redevelopment will provide a more efficient modern living space suitable for a family and the existing market.

3.3 The existing stable building is to be renovated to reflect its original condition with all materials to match the existing as closely as possible.

3.4 The appearance of the new dwelling will be in keeping with the character of the area and will not be overbearing in comparison to the existing house.

3.5 The development proposes to be approached via the existing entrance off Frogs Lane, which is currently accessed via a gate, which along with the existing driveway will be reinstated.

3.6 This application has taken account of previous planning advice from the officer Philip Forster, from Wrexham Borough Council. The letter dated 31st July 2014 can be found within Appendix 1 of this Statement.

3.7 The plans produced by Lister Carter Ltd show the proposed and existing house in detail.

4 Policy Review

- 4.1 This section sets out all levels of planning policy which should be taken into consideration when assessing the proposal.
- 4.2 Planning Policy Wales (PPW) sets out the national land use policies of the Welsh Government. This is supplemented by a series of Technical Advice Notes (TANs). Both are material considerations of significant weight in the determination of planning applications.
- 4.3 Wrexham's adopted development plan is its Unitary Development Plan (UDP) (adopted February 2005).
- 4.4 The UDP will eventually be replaced by Wrexham's Local Development Plan 2 (LDP2) which is at an early stage and not due to be adopted until December 2016 at the earliest.
- 4.5 Wrexham's first LDP was withdrawn following examination in February 2012 due to significant concerns raised by the Local Planning Inspector, including the lack of a future housing land supply.
- 4.6 In the absence of an up-to-date development plan, more weight should be given to other material considerations, such as Welsh national planning policy, to ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (PPW, paragraph 2.7.1).
- 4.7 By law it follows that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise under Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Planning Policy Wales (PPW)

- 4.8 The Welsh Government has a statutory duty to promote sustainable development through the Government of Wales Act 2006.

- 4.9 Sustainable development can be defined as development which enhances the economic, social and environmental well-being of people and communities (paragraph 4.1.4).
- 4.10 In relation to housing, PPW sets out that local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing (paragraph 9.2.3).
- 4.11 Preference is given to the delivery of housing on Brownfield (previously developed) rather than Greenfield land (paragraph 9.1.1).
- 4.12 Paragraph 9.2.22 refers to housing in rural areas. This states:

‘It is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment.’

TAN 6 – Planning for Sustainable Rural Communities (July 2010)

- 4.12.1 The purpose of this TAN is to provide practical guidance on the role of the planning system in supporting the delivery of sustainable rural communities.

TAN 15 – Development and Flood Risk (March 2013)

- 4.13 This TAN provides technical guidance which supplements the policy set out in Planning Policy Wales in relation to development and flooding. It is acknowledged that the site is located within an area of flood risk and therefore this policy is relevant to the application.
- 4.14 TAN 15 states that residential use is classed as ‘highly vulnerable development’ within an area of flood risk (paragraph 5.1). The submitted flood consequence assessment responds to TAN 15.

Wrexham Unitary Development Plan (UDP) February 2005

4.15 The following policies of the UDP are relevant to the proposed development:

- Policy GDP1 – General Development Policy;
- Policy PS3 – Development should use previously developed Brownfield land comprising vacant, derelict or underused land in preference to Greenfield land;
- Policy H10 – Replacement dwellings in the countryside
- Local Planning Guidance Note 13 – Housing in the Countryside

Policy GDP1 – General Development Policy

4.16 Policy GDP1 is a general development policy which states that all 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 nearby locality.
- b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.
- c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.
- d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
- e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.
- f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.
- g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.

- h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.
- i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.
- j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.
- k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.

Policy H10 – Replacement Dwellings

4.17 Policy 10 states that replacement dwellings may be permitted in the countryside only where :-

- a) The existing dwelling is habitable or capable of being made habitable without substantial reconstruction or substantial increases in floor area.
- b) The existing dwelling is not of architectural or historic interest, or is a prefabricated or temporary structure.
- c) The proposed dwelling:
 - i) Is located on the site of the original dwelling; or
 - ii) Is exceptionally, where a planning constraint can be overcome, located within the curtilage of the existing building; and
 - iii) Reflects the floor area, form, bulk and character of the original dwelling; and
 - iv) Satisfies Policy GDP1.

Local Planning Guidance 13 – Housing in the Countryside

4.18 Local Planning Guidance Note 13 provides further guidance on policy H10 under paragraph G. It is acknowledged under this guidance that the floor area of a

replacement dwelling should not be more than one third larger than the existing dwelling.

Other material considerations

Permitted Development

- 4.19 Wales Government Planning for Householders Guidance (April 2014), section A relates to house extensions. It is evident that without planning permission the extensions of more than one storey are permitted provided they meet several conditions. New regulations came into force on 30th September 2013 which changed the building work which can be done without needing to apply planning permission.

Single storey rear extensions

- 4.20 Single storey extensions must not extend beyond the rear wall of the house by more than 4 metres, and cannot exceed 4 metres in height.

Rear extensions with more than one storey

- The ground floor part of the extension cannot extend beyond the rear wall of the house by more than 4 metres;
- The upper floor part of the extension cannot extend beyond the rear wall of the house by more than 3 metres;
- The distance between the rear wall of the extended part of the house and the rear boundary of the house, normally the rear garden fence or wall, must be at least 10.5 metres;
- Any upper floor window in the side elevation of the extension must be obscure glazed and non-opening, unless the window is 1.7 metres above floor level;
- The roof pitch of the extension must, as far as it practical, match the pitch of the existing dwellinghouse; and
- Rear extensions of more than one storey are not permitted in a conservation area, national park, an area of outstanding natural beauty or a World Heritage Site.

Single storey side extensions

- Single storey side extensions cannot be closer to a highway than any wall in the side elevation of the existing dwellinghouse, or at least 10.5 metres from the highway, whichever is nearest the highway
- Single storey side extensions cannot exceed 4 metres in height
- The width of the widest part of the resulting dwellinghouse cannot exceed the width of the widest part of the original dwellinghouse by more than 50%
- When the house is located in a conservation area, national park, an area of outstanding natural beauty or a World Heritage Site, the extension must not project from the side elevation of the house by more than 3 metres and must be set back from the principal elevation of the dwellinghouse by a least 1 metre

Side extensions with more than one storey

- Side extensions with more than one storey cannot be closer to a highway than any wall in the side elevation of the existing dwellinghouse or at least 10.5 metres from the highway, whichever is nearest the highway;
- The extension is not permitted within 10.5 metres of a side boundary of the house;
- The extension must be set back from the principal elevation of the house by at least 1 metre;
- The width of the widest part of the resulting dwellinghouse cannot exceed the width of the widest part of the original dwellinghouse by more than 50%;
- Any upper floor window in the side elevation of the extension must be obscure glazed and non-opening, unless the window is 1.7 metres above floor level ;
- The roof pitch of the extension must, as far as it practical, match the pitch of the existing dwellinghouse; and
- Side extensions with more than one storey are not permitted when the house is located in a conservation area, national park, an area of outstanding Natural Beauty or a World Heritage Site.

Housing Land Supply

- 4.21 The Council's most up-to-date adopted position on its housing land supply comes from the Joint Housing Land Availability Study 2013 (published March 2014).
- 4.22 This study confirms that the Wrexham has a 3.4 year housing land supply which represents a shortfall of 1.6 years against PPW's requirement for local planning authorities to maintain a 5 year supply. This is a material consideration in the determination of the application.
- 4.23 At present the existing house is in much need of repair and therefore its redevelopment will provide a dwelling suitable to the market.
- 4.24 The house at present does not provide sufficient accommodation suitable for modern day living. The proposal provides a spacious dwelling with open plan dining, kitchen and living room. There is also a separate sitting room and study, which is necessary for modern day living and for sales purposes.

5 Policy Assessment

5.1 This section assesses the proposal against the prevailing planning policy and material considerations highlighted in the previous chapter.

5.2 The main issues to be considered include:

- Principle of development;
- Permitted development;
- Flood Risk;
- Trees; and
- Ecology.

Principle of development

5.3 The application proposes to make use of an existing site which currently consists of one dwelling, a barn and shippon building. The principle of residential use of the site is regarded as acceptable due to its existing use.

5.4 It is acknowledged subject to criteria within Policy H10 of the Wrexham UDP that replacement dwellings are acceptable in principle. The existing dwelling can be made habitable through renovation and therefore accords with Criteria A.

5.5 The existing dwelling is not of architectural or historic interest, a prefabricated or temporary structure, and therefore accords with criteria B of UDP Policy H10.

5.6 The proposed dwelling is located on the site of the original dwelling and reflects the floor area form, bulk and character of the original dwelling and therefore accords with Criteria C of Policy H10.

5.7 The scheme satisfies the criteria within Policy GDP1 as the development is in keeping with the character of the local area and would create a more attractive appearance to the site, whilst providing a marketable dwelling. The access to the site will also be improved as a result which takes account of personal safety and security as identified within the submitted plans.

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- 5.8 The development will also be highly sustainable by employing local builders and using local materials whilst reaching a Level 4 code for sustainable homes. The materials reflect the character of the existing house, and the surrounding rural area. Therefore the application accords with Policy GDP1 and paragraph 9.2.22 of PPW.
- 5.9 In terms of measurements the proposal measures 27% larger than the current buildings on site. The total existing building areas measure 249sqm and the proposed house measures 316sqm. It is further identified in the following section that the overall area could be extended substantially without planning permission. However, the scheme proposed provides a much more viable development of the site, suitable to the housing market.
- 5.10 The site represents underutilised Brownfield land which is to be used for development in preference to Greenfield sites in accordance with Policy PS3, and PPW.
- 5.11 Overall, the principle of residential development on the site is acceptable as it lies within the boundary of an existing dwelling and represents sustainable development in accordance with Policy HS10 and GDP1 of the Wrexham Unitary Development Plan.

Permitted Development

- 5.12 The previous chapter identified permitted development guidance. Below identifies the extensions we understand could be completed on the original house without the need for planning permission.

Rear Extension

- 4 metres x width (ground floor)
- 3 metres x width (first floor)

- $4 \text{ metres} \times 12.8 = 51.2$
- $3 \text{ metres} \times 12.8 = 38.4$
- $51.2 + 38.4 = \mathbf{89.6 \text{ sqm}}$

Side Extension

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- Length – 1 metre x half width x 2
- $8.5 \times 6.4 = 54.4 \text{ sqm}$
- $54.4 \times 2 = \mathbf{108.8 \text{ sqm}}$

Total

- $89.6 \text{ sqm} + 108.8 \text{ sqm}$
- $= \mathbf{198.4 \text{ sqm}}$

5.13 These measurements identify that the existing house could potentially be extended by **198.4 sqm** without the need for planning permission.

Further Considerations

Wrexham Local Planning Guidance Note 13

- Wrexham Local Planning Guidance Note 13 identifies that a replacement dwelling can be extended by one third larger than existing.
- $30\% \text{ of } 100\text{sqm} = \mathbf{33\text{sqm}}$

The Demolition of the Existing Shippon

- The existing Shippon measures **29sqm**.

5.14 Overall together the extensions which could be completed under permitted development rights, 30% of the existing footprint plus the existing shippon building the area measures **260.4sqm**

- Existing area $100\text{sqm} + 260.4\text{sqm} = \mathbf{360.4 \text{ sqm}}$
- Proposed house area = **316sqm**

5.15 Although the dwelling could be extended under permitted development rights, this would not be viable or a cost effective scheme. The proposed house provides a scheme which is suitable to the current housing market, whilst also being highly sustainable as identified within the next section.

Flood Risk

- 5.16 It is acknowledged that the site lies within a flood risk zone. Technical Advice Note 15 states that new residential development is defined as 'highly vulnerable development'. Following advice from the case officer Philip Forster, a highly experienced flood consultant has produced a flood risk and consequence assessment which supplements and supports this planning application in accordance with TAN 15.

Trees

- 5.17 A tree survey has been conducted by JCA Ltd. This survey concludes that the trees surveyed were generally found to be in reasonable condition. None of the trees are protected by a Tree Preservation Order or are in a Conservation Area.
- 5.18 Please see the tree report which supplements this application for further details.

Ecology

- 5.19 An ecology survey has been produced by Rachel Hacking Ecology Ltd which support the proposed application.
- 5.20 Please see the supplementary ecology report produced for further details.

6 Design & Access

6.1 The Welsh Assembly Government is strongly committed to promoting good design in the built and natural environment. Design and Access Statements (DAS) are required to accompany most applications for planning permission submitted on or after 1st June 2009. This section of the Statement responds to the government's requirements of design and access, explaining the proposed development in this setting. TAN 12 of Planning Policy Wales, states the requirements in terms of design and access for new developments. The TAN 12 document sets out objectives for good design:

- Character
- Access
- Community Safety
- Environmental Sustainability
- Movement

Character

6.2 The proposed dwelling will reflect the character of the existing dwelling and the surrounding area as indicated within each of the headings below.

Scale

6.3 The scale of the proposed development is modest in comparison to the size of the existing dwelling buildings on site and accords with UDP Policy H10 as indicated previously. The dwelling measures 27% larger than the buildings on site at present.

Amount

6.4 The development proposes one, two storey detached dwelling with four bedrooms in total to replace the existing dwelling.

- 6.5 The ground floor proposes an open plan kitchen/dining room and living room which will suit a family. A study and sitting room is also proposed to the west side of the ground floor.
- 6.6 The first floor proposes four bedrooms in total, with the master bedroom providing an en-suite bathroom, with an additional two bathrooms.
- 6.7 Further details of the layout are shown within the submitted plans.

Appearance

- 6.8 The materials proposed reflect the rural setting and include Cheshire brick, timber frames, render panels, timber frame windows and doors and welsh slate roof tiles. Each of these materials are indicated within the submitted plans.

Landscaping

- 6.9 The proposed landscaping will remain entirely in keeping with the character of the local rural area.
- 6.10 Overall the dwelling has been designed carefully to reflect the character of the existing dwelling and the surrounding area.

Access

- 6.11 The aim of this section is to ensure ease of access for all members of the public. The proposed dwelling replaces an existing dwelling and therefore has existing access to the property located off Frog Lane as shown within the submitted plans.

Movement

- 6.12 This section refers to sustainable movement within the area of the existing building. There is a bus route within walking distance which provides transportation to and from Malaps on a regular basis. The village of Shocklach is also located approximately 1.5 miles from the site.

- 6.13 The entrance to the property is via a gate which contributes towards reducing any potential crime. The buildings are currently vacant this could potentially attract anti-social behaviour.
- 6.14 Making efficient use of this site for a new family dwelling will create a permanent natural surveillance.

Environmental Sustainability

- 6.15 The proposed dwelling will contribute towards environmental sustainability. Local contractors will be employed to re-develop this site, contributing positively towards the local economy. The scheme will also meet Code 4 for sustainable homes and the materials used to build the house will be locally sourced, also contributing towards environmental sustainability.

7 Conclusion

- 7.1 The application proposes the demolition of the existing house and shippon building, for the erection of a new 4 bedroom family house and refurbishment of the existing stable building at Gwern- Y- To, Shocklach.
- 7.2 This statement assesses planning policy at a local and national level and should be read in conjunction with the submitted plans, Flood Consequences Assessment, tree survey and ecology surveys.
- 7.3 It is identified that under permitted development rights, the existing house could be extended by a considerable amount. However, the demolition and rebuild of the house as proposed would provide a much more viable and sustainable scheme.
- 7.4 It is evident that the proposed replacement dwelling is of a modest size and has been designed to reflect the character of the existing house and the surrounding area.
- 7.5 Overall, the proposed scheme accords with Policy H10 which relates to replacement dwellings in the countryside and Policy GDP1 and therefore the application should be approved without delay.

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ENQ/2014 /0173

31/07/2014

Philip Forster

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Dear Madam,

Town and Country Planning Act 1990

CONVERSION AND DEVELOPMENT

GWERN Y TO SHOCKLACH ROAD, THREAPWOOD, WREXHAM.

I refer to our site meeting of 17 July 2014 in relation to the above site. Following on from our discussions and the questions raised in your enquiry I provide the following response. In order that I can provide a full response, I shall answer your questions in the order you have provided them.

a) Could the existing cottage be extended and/or remodelled?

Although this property has not been occupied for some time, in planning terms, the property has not been abandoned. Therefore I am satisfied that there is a lawful residential use on the property. The site is located outside any settlement limits as defined by the Wrexham Unitary Development Plan (UDP). New build dwellings will normally only be permitted where it would accord with policy H5. Replacement dwellings are permitted where the existing building is in a habitable condition, the new structure would be located on the footprint of the existing dwelling and it would be constructed in the same form and bulk. Increases up to 1/3 floor area will be considered acceptable where an acceptable design can be achieved. Further detailed guidance on this issue can be found at section a) of Local Planning Guidance Note 13 – Housing in the Countryside.

b) Potential for conversion of the existing shippon?

The conversion of existing rural building to residential use is considered acceptable in principle subject to compliance with policy H3 of the UDP. In these instances the building should be of a suitable size for conversion without the need to significantly extend the building. The existing building should also be in a sound structural state without the need to extensively rebuild tantamount to the erection of a new dwelling. However, in this instance, the entire footprint of the building and its logical curtilage is located within the flood zone.

Technical Advice Note 15 – Development and Flood Risk states that new residential development is defined as 'highly vulnerable development' and will not be permitted in C2

flood zones. As such, the conversion of this building to facilitate a self contained unit of residential accommodation will not be permitted as the risks and consequences of a flooding event will not be considered acceptable.

However, you may be able to justify a conversion of this former shippon to a use which could accompany the existing dwelling house such as ancillary habitable accommodation or home office for example.

c) The construction of a new dwelling house to replace the existing?

Policy H10 does allow for replacement dwellings to be relocated off the existing footprint within the same curtilage where it would allow for a significant planning constraint to be overcome. I note the flooding constraints in this location and the entire residential curtilage of Gwern-y-To falls within this flood zone.

You proposed relocating the existing dwelling outside the existing curtilage and into the neighbouring field outside this flood zone. Whilst I appreciate the reasoning behind this proposal there are a number of factors that would need to be considered. Firstly, this would not accord with the principles of policy H10 as the replacement dwelling would be located outside the existing curtilage and as such it is unlikely that this proposal would be supported. Secondly, the visual impacts of the proposal would need to be considered as this would result in a visually prominent building. Given that the existing dwelling is located at its highest point within its existing curtilage it is considered that the property is located in the best position in the existing plot.

Should you wish to progress with any element of your proposals, I would strongly suggest that engage the services of a suitably qualified and experienced flood consultant who would be able to assess the existing risks and consequences of a flooding event in this location and how this will impact upon your proposals. This may be able to support your proposal for any relocation of the existing dwelling away from its footprint and/or how any conversion of the existing shippon can take into account the risks and consequences of a flooding event. However, to reiterate, it is my opinion that such a scheme for the wholesale relocation of the dwelling and / or the conversion of the barn to self-contained residential accommodation will not be supported.

If you wish to submit an application for any of the above proposals I would be happy to discuss any of your proposals further and advice regarding the submission requirements. If you require any further assistance in the meantime please do not hesitate to contact the officer named above.

Yours faithfully,



Head of Community Wellbeing and Development