

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 11/07/14

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 3 Medi 2014

Appeal Decision

Site visit made on 11/07/14

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 3 September 2014

Appeal Ref: APP/H6955/A/14/2217260

Site address: Greenways, Tarts Hill, Hanmer, Whitchurch SY13 3DR

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 D Butler and Ms J Smith against the decision of Wrexham County Borough Council.
- The application Ref MAE P/2014/0002, dated 22 November 2013, was refused by notice dated 18 February 2014.
- The development proposed is conversion of disused barn to form residential unit.

Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposal on the character and appearance of the building having regard to local planning policy.

Reasons

3. The appeal building is located opposite Greenways dwellinghouse situated in the countryside. A highway passes between the appeal building and Greenways. The building comprises a solid wall rendered building with slate roof and a garage and car port to the side constructed of corrugated material. The proposal would be to demolish the car port and garage and erect an extension to the side to match the materials of the original building, and to convert it to a dwelling.
4. Policy H3 of the Wrexham Unitary Development Plan (UDP) permits the change of use or conversion of a building to residential use outside settlements limits provided certain criteria are met. The most relevant in this case are that the building is structurally sound and capable of conversion without extensive rebuilding, it does not result in an undesirable intrusion into the landscape and the floor plan of the existing building is sufficient to create a habitable dwelling.
5. The existing building is very small and the proposal would involve an extension to form a living room/kitchen. The Appellant indicates that the floor area of the existing building is 31m² and with the proposed extension this would result in a dwelling of some 57m². Policy H3 indicates in its reasoned justification that conversions will be

granted in the countryside provided the building is of domestic scale and constructed of permanent materials. The conversion of prefabricated buildings would not be permitted under this policy.

6. In my view the original building is too small to form a habitable dwelling in its own right, because a sizeable extension relative to the size of the original building would be required to facilitate the proposed accommodation. The proposal therefore conflicts with Policy H3 e). The corrugated garage/shed is not a building which could be converted, and in any event it would be taken down to erect the proposed extension. The argument that the existence of the garage/shed should be taken into account in the calculation for allowing the proposal does not carry much weight, since it would no longer be in existence once the act of demolition of this part of the building takes place.
7. The Appellant also indicates that the building would benefit from permitted development rights and that this fallback position should also be taken into account in the overall assessment of the proposed development. I also accord this argument limited weight, since it is yet to be conclusively shown that the building benefits from permitted development rights. I make no formal determination on the point under a planning appeal, but I would question whether the building is within the residential curtilage, and in any event, if it were, it is nearer to the highway than the dwellinghouse and within 5m of the highway.
8. In my view, the building is not capable of conversion without extensive rebuilding, the size of the extension is similar to the size of the original building, and would significantly diminish the identity and the appearance and character of the original building to its detriment.
9. I therefore conclude that the development conflicts with policy H3, and that the proposal would harm the character and appearance of the building having regard to local planning policy. I have considered all other matters raised, including the personal circumstances of the Appellants' elderly relative and the desire to accommodate her close-by. However, these factors do not outweigh my conclusion on the main determining issue. This appeal should therefore be dismissed.

Iwan Lloyd

INSPECTOR