



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/09/09

Appeal Decision

Site visit made on 08/09/09

gan/by Gareth A. Rennie MRTPI FRGS

Arolygydd a benodir gan
Weinidogion Cymru

An Inspector appointed by
the Welsh Ministers

Dyddiad/Date 09/10/09

Appeal Ref: APP/H6955/A/09/2106998

Site address: Eisteddfod Farm, Allt Eisteddfod, Gwynfryn, Minera, LL11 5TR

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 Ron T. Davies against the decision of Wrexham County Borough Council.
- The application Ref MIN P/2009/0024, dated 8 January 2009, was refused by notice dated 2 March 2009.
- The development proposed is the renovation of dwelling and outbuilding and construction of extensions for residential use.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues in this case are the effect of the proposal on the character and appearance of the area, and the effect of the proposal on nature conservation interests.

Reasons

3. Eisteddfod Farm is a former farmhouse and outbuilding in open countryside outside the settlement boundary. The buildings are currently in a state of disrepair, despite the former farmhouse being roofed with sheet metal, and. It is apparent that despite the appellant's assertions that the former farmhouse remains a dwelling that there is very little evidence that this is the case. It has not been maintained in a habitable condition and I conclude that its use as a dwelling ceased some considerable time ago. Eisteddfod Farm overall has the appearance of an abandoned ruin rather than a predominantly intact dwelling.
4. The proposed development in this case is the renovation of a dwelling and outbuilding. Eisteddfod Farm no longer has the appearance or use as dwelling. However, Policy H3 of the Wrexham Unitary Development Plan (UDP) allows for the conversion of a building to residential use subject to a number of criteria. These include that the building is structurally sound and capable of conversion

without extensive rebuilding tantamount to the erection of a new dwelling; and the floor plan of the existing building is sufficient to create a habitable dwelling.

5. Most of the external walls of the appeal building remain intact to eaves level. The structural survey commissioned by the appellants maintains that they are structurally sound. During my site visit it was apparent that most if not all of those walls that remain seemed relatively sound and there were no obvious leaning or bowing.
6. I conclude that, based on the evidence, the majority of the remaining walls of the appeal buildings are structurally sound. However, Policy H3 of the UDP calls for buildings to be both structurally sound and capable of conversion without extensive rebuilding or extension. In this case whilst the remaining structures seem to be structurally sound they would need extensive rebuilding. The buildings have no floors, doors or windows and new roofs would have to be provided as well as internal plastering. Lintols have been removed from a number of doorways and would need replacing, and the lean to structures would need rebuilding of their walls, floors and roofs. Overall I conclude that the proposed development would involve extensive rebuilding of the original building, contrary to the thrust of UDP policy H3.
7. In addition, the proposed extensions to the original building would result in a significant increase in the footprint over and above the original building which suggests that the existing former dwelling is not large enough to provide a habitable dwelling itself. Indeed the extended parts of the proposal would dominate, giving the whole scheme the appearance of a new dwelling rather than a restored and extended one. The proposal thus fails to demonstrate that Eisteddfod Farm is capable of being restored as a dwelling without large scale rebuilding tantamount to a new dwelling.
8. Taking all of the foregoing into account, I conclude that the proposed development involves extensive rebuilding and significant extension to such a degree as to render it in clear conflict with the provisions of policy H3 of the UDP. The proposal entails a large degree of new building works, which would significantly increase the impact of built development in this location within the open countryside, to the detriment of its character and appearance.
9. The creation of a new dwelling in this location would run counter to established policies designed to direct new housing provision to locations well related to existing settlements and to protect the character and appearance of the countryside. The appellants have provided evidence that there may be a justification for such a new dwelling for agricultural purposes. Nonetheless, it is clear that the intention of the application was to provide for the restoration of an existing structure not the provision of a new dwelling. Furthermore the agricultural assessment provided as part of the application fails to give a definitive account of the nature of the holding or its operations and notes that there is a current dwelling within the overall holding, which is being used by the appellant. There is insufficient justification provided to establish that there is a need for an additional dwelling at the Eisteddfod Farm section of the holding, or that other options for providing other suitable accommodation have been adequately explored.

10. The proposal is therefore contrary to policies H3 and H5 of the UDP. It is also contrary to policies PS2 and GDP1 which seek to protect the character and appearance of the surrounding countryside and landscape.
11. The Countryside Council for Wales (CCW) have stated that they are concerned about the potential effect of the proposed development on protected species. The CCW has further requested a survey to identify the presence of protected species but this has not yet been produced. Overall there is significant concern that in this case the proposed development could cause harm to protected species and there is the likelihood that they could be present.
12. No evidence or information has been produced to counter this concern and I conclude that there is insufficient information to assess whether there would be significant harm caused to nature conservation interests. I do not consider that such a condition on any permission could provide an effectively means of mitigation. The proposal is therefore contrary to national guidance contained within Technical Advice Note 5 which requires a precautionary approach. There is very little evidence that the proposal would harm the adjacent site of Special Scientific Interest or Special Area of Conservation.
13. The Council have also maintained that the proposal would disrupt the local public rights of way network. The proposal includes for a footpath diversion and I consider that could be included and controlled through conditions to any permission. This does not, however, undermine my previous conclusions.
14. Consequently for the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Gareth A. Rennie

Inspector