Report of the Chief Officer Economy and Planning

Application Reference
P/2025/0510

Applicant
Mr Shaun Stocker

Agent
Mr Trevor Mennell

Site Address
MOSS BANK FARM, BORRAS ROAD, BORRAS, WREXHAM, LL13 9TN

Description of Development
NEWID DEFNYDD TIR O AMAETHYDDOL I BRESWYL I GYNNWYS LLEOLI ANNEDD CARTREF SYMUDOL, DRAENIO, PARCIO, DREIF A MYNEDIAD / CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL TO INCLUDE SITING OF MOBILE HOME DWELLING, DRAINAGE, PARKING, DRIVEWAY AND ACCESS

Ward
Gresford East and West/Dwyrain a Gorllewin Gresffordd

Community
Gresford/Gresffordd

Recommendation
Grant for a temporary period. Permission made personal to the applicant.

Officer Report

Site Description

Moss Bank Farm is on the north-western side of Borras Road. The mobile home is located to the rear of an existing complex of buildings that include a farmhouse, a brick barn that has been converted to residential use, and a Dutch barn. The site is situated in open countryside.

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Proposal

The application seeks retrospective planning permission for the change of use of land for the siting of a mobile home, together with associated drainage parking, driveway and access.

Reason for Committee Determination

The development conflicts with policies in the adopted development plan regarding housing in the countryside.

Site History

Moss Bank Farm (Main dwelling)

P/2019/0888 TWO STOREY EXTENSION, RENOVATIONS AND ERECTION OF DETACHED DOUBLE GARAGE. Granted 27.1.2020

Moss Bank Farm (Barn)

P/2020/0463 CONVERSION OF BARN TO DWELLING AND ERECTION OF DOUBLE GARAGE. Granted 16.12.2020

P/2021/0288 CONVERSION OF BARN TO 2 DWELLINGS AND ERECTION OF GARAGE. Granted 18.8.2021

P/2021/1110 DISCHARGE OF CONDITIONS 3 (MATERIALS) 7 (PAINT SAMPLE) 20 (ECOLOGY) AND 21 (DRAINAGE) OF PLANNING PERMISSION P/2021/0288. Approved 15.12.2021

Development Plan

Unitary Development Plan

UDP PS1 - The Broad Location Of Development
UDP PS2 - The Broad Location of Development
UDP Policy PS11 - Biodiversity
UDP Policy EC4 - Hedgerows, Trees and Woodland
UDP Policy EC1 - Green Barriers
UDP Policy EC6 - Biodiversity Conservation

UDP Policy T8 - Parking
UDP Policy MW11 - Minerals Buffer Zones
UDP Policy H5 - Housing in the Countryside

Relevant National Policy
Planning Policy Wales
Technical Advice Note 6: Sustainable Rural Communities
Future Wales

Consultation Responses
Community Council:
Considers that there should be a condition attached to any approval granted that this mobile home is only a dwelling for the current occupants.

Local Member:
No comments or concern to raise.

Natural Resources Wales:
Raises concerns about the application and advises that further information is required in respect of foul drainage.

Notes that the submitted Ecology Reports have identified Great Crested Newts are material to the application site. Consider the reports provide an adequate basis upon which to consider the potential impacts of the development. Recommends the reports should be listed in the 'approved plans' planning condition.

Dwr Cymru Welsh Water:
Recommends that as the proposals intends to use alternatives to mains drains, advice sought from NRW.

Highway Officer:
Notes the site has two accesses. Also notes the proposed block plan indicates visibility splays based on an assumed 40mph speed limit. Advises this is acceptable subject to confirmation of actual vehicle speeds and the implementation of hedgerow removal.

Confirms the parking and turning arrangements comply with local standards.

Comments that the lodge replaces a previous static caravan and is occupied by the applicant and his family and that it is not expected to result in a material increase in traffic generation, noting that the seasonal nature of the adjacent holiday lets and the low density of development accords the wider site mitigates cumulative impacts.

Contaminated Land Officer:
No comments.

Public Protection Officer:
Comments that the Noise Assessment has described the noise environment as:

Measured sound levels were noted to consist of non-descript distant traffic noise with some low level noise emissions from the quarry, typically in the form of diesel engines.

Advises that these are not expected descriptions of noise for a working quarry. Also advises that:

There has been no description of how close to the proposal the recorded works where and whether they could or would be expected to get closer.
A discussion on the activities that could take place at the closest working point in the quarry would be appropriate.

If it is the case that the sound levels recorded during the monitoring are not worst case then those levels should be used in the assessment so as to confirm either that there will be no effect on the proposal or to design an appropriate scheme of mitigation.

Recommends that an Air Quality Assessment is required to assess the potential impact of dust arising from the operation of the adjacent quarry.

Minerals Officer: North Wales Minerals and Waste Shared Planning Service:
Notes the location of the site within a Minerals Buffer Zone and advises that is necessary to demonstrate that the proposed development would not compromise mineral extraction at the existing quarry.

With regards to the Noise Assessment, comments that there is no reference to mineral policy / guidance with regards to noise within the document. Further, a week long study to see noise impacts from the quarry site is hardly going to be representative. For example, workings could be occurring hundreds of metres away that week but will occur much closer in a couple months.

Publicity Undertaken:
Site Notice
Notification Letters

Responses to Publicity:
1 representation raising no objection to the application.

1 representation from the National Annexe Planning Consultancy explaining that they champion the use of annexes and mobile homes for ancillary residential use and outlining the benefits of annexe accommodation.

1 representation from Breedon Quarry Group, the operator of Borras Quarry, commenting as follows:

- Notes that the planning application boundary (red line) incorporates land owned by Breedon, but Breedon have not been directly consulted or served with notice as part of the application.

- Have concern regarding the lack of consideration or mention in the retrospective application of the quarry operations and the potential impacts

of a residential property/sensitive receptors being so close to the quarry boundary. The location of this property would be likely to restrict operations within the quarry. Breedon have concerns regarding the robustness of the noise survey and also noted there doesn't appear to be an air quality assessment attached to the planning application, which Breedon consider to be an essential requirement for this location.

Principle of Development

Planning Policy Wales 12 paragraph 3.60 establishes that development in the countryside *'should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation*'. It goes on to state that '*new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled'.*

The site lies outside of a defined settlement limit. UDP policy PS1 directs new housing to sites within settlements limits. However, policy H5 sets out a limited number of circumstances where new residential development may be permitted outside of defined settlement limits; namely conversion, replacement, subdivision, infilling, affordable housing on the edge of settlements and rural enterprise dwellings. Whilst the UDP plan period expired in 2011, policy H5 the policies broadly reflect PPW12 regarding development in the countryside, although the provision in policy H5 for infilling is now out of date in light of PPW12 paragraph 3.60.

The application seeks planning permission for the siting of a mobile home. Paragraph 6.12 of the UDP confirms that for the purposes of H5, the definition of new dwellings includes mobile homes. The development does not accord with the majority of the circumstances set out in policy H5.

The applicant has put forward a number of personal circumstances in support of the application and these will be discussed in more detail below. However, the applicants also operate a holiday accommodation business from the site. In addition to the mobile home, the wider Moss Bank Farm site is occupied by a dwelling, the former farmhouse, together with a former agricultural building now in uses as two residential units. All three are currently let out as holiday accommodation. The applicants also keep sheep and poultry on the site.

Technical Advice Note 6: Planning for Sustainable Rural Communities advises that one of the few circumstances in which new residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at or close to their place of work. Paragraph 4.3.2 of TAN6 advises that rural enterprises "*comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting), tourism and leisure enterprises".* A dwelling to employ someone employed in a tourism related businesses therefore could potentially be acceptable, provided the tests set out in TAN6 are met.

Applications for rural enterprise dwellings should be accompanied by a Rural Enterprise Dwelling Appraisal to enable a full assessment of whether the tests laid out in TAN6 are met in order to justify a rural enterprise dwelling have been met. The tests are:

- *The functional test* to provide evidence of whether there is a need for a resident worker for the proper functioning of the enterprise;
- *The time test* to provide evidence of the labour requirement for the worker who is working on the justifying enterprise.
- *The financial test* to provide evidence of the economic sustainability of the justifying enterprise and identify the size of dwelling that the enterprise can sustain, ensuring that the size of the dwelling is commensurate with its functional need and financial justification.
- *The other dwellings test* to identify whether there is an existing dwelling or building suitable for conversion on the enterprise or dwelling in the locality that could meet the identified functional need.
- *Other normal planning requirements test* to demonstrate that the dwelling is suitably located to fulfil its identified need and to minimise impact on the wider environment

The application is not accompanied by a Rural Enterprise Dwelling Appraisal, therefore there is no evidence before the Council demonstrating that a dwelling is required on site to enable the proper functioning of the applicant's holiday accommodation business.

Supporting information submitted by the applicant suggests that someone needs to be on site around the clock to deal with the following issues:

- The arrival of guests during the early hours of the morning;
- Operating a personal meet and greet service;
- Needing to be on hand to deal with issues guests have, particularly during the night;
- Safe operation of hot tubs
- Safety and security of the site;
- Enforcing a noise curfew;
- Maintenance of the site; and

In addition, the applicant and his partner have a young child

The above do not give rise to an essential requirement to live on site. Many holiday accommodation businesses operate specific check in and check of times policies. Although the applicants may want to provide guests with maximum flexibility, this is a matter of personal choice rather than an inherent characteristic of this type of business.

Issues that arise at short notice could be dealt with by other means, such as providing emergency contact details.

The provision of hot tubs and their safe operation is not an essential requirement of this type of business, although it is accepted that it may be advantageous

from a marketing perspective. Nevertheless, the safe operation of this type of facility does not require a staff presence 24 hours a day.

With regards to the security of the site, it is not unusual for the owners of self-catering holiday accommodation to live some distance from the property itself. Security can be provided by other means, including cameras, gates and other security features.

The applicant's decision to enforce noise curfew is not an inherent characteristic of this type of business. Although it is laudable that the applicants seek to ensure guests do not cause disturbance to other guests or nearby occupiers, this is not an essential requirement that justifies a permanent on-site presence.

Although the applicant and his partner also keep animals at the site, no evidence has been submitted to demonstrate that this constitutes an agricultural business in so far as generating a important part of the applicant's income. The entire Moss Bank Farm landholding is approximately 1ha in area. Approximately a quarter of that is occupied by residential cultilages of the former farmhouse and the outbuilding now in residential use. It is unlikely that the site remaining land would be sufficiently large to enable a viable farm business to be operated and meet the TAN6 tests for a permanent residential presence on site. It is understandable that the applicant and his partner would wish to be close at hand to support the welfare of their animals. However, animal welfare would not, by itself, justify a new dwelling in the countryside. Indeed, if it were, it would make it more difficult to resist residential development on land where animals are kept as a hobby, thus undermining the protection afforded to the countryside from inappropriate development by local and national planning policies.

Even though a Rural Enterprise Dwelling Appraisal not been submitted, it is appropriate to consider whether other options are available for the applicants to live on site.

Discounting the mobile home, as noted above there are 3 other residential units on site. The applicants have not demonstrated why they would not be able to reside in one of these units of accommodation and continue to operate a holiday accommodation business from the other two.

It is accepted that the applicant's personal circumstances may mean that additional alterations could be required to enable him to occupy one of the units of accommodation. However, had the applicant intended to live on site permanently, it is unclear why their specific needs were not considered when planning permission was sought for alterations to the farmhouse in 2019 and the conversion of the barn to two dwellings in 2021. Indeed, the Design and Access Statement submitted with the latter states an intention to covert the barn to two comfortable family dwellings.

<u>Green Barrier</u>
The site is situated in the Green Barrier as defined by the UDP, which is analogous to Green Wedges described in PPW12. The proposed development would constitute inappropriate development for sites located within a Green

Wedge, as defined by para 3.75 of PPW12. It would also conflict with UDP policy EC1, which states that development will only be granted permission in a Green Barrier if it for agriculture, forestry, essentially facilities for outdoor sport and recreation, cemeteries and other uses of land that do not conflict with the purpose of a Green Barrier.

Paragraph 3.68 advises that Green Wedges should be reviewed as part of the development plan process. The UDP Green Barriers were reviewed in the Strategic Green Wedge Review (GWR) October 2017 as part of the process of preparing the now withdrawn LDP. The GWR concluded that the Green Wedge designation in this location did not comply with the purpose of a Green Wedge as defined in paragraph 3.67 of PPW12 and was therefore unnecessary. By extension it would also not serve the purpose of a Green Barrier, as set out in UDP policy EC1.

The requirements of policy EC1 have now been superseded by successive changes to PPW since the UDP in terms of the purpose of a Green Wedge. The outcome of the GWR supports this conclusion. The evidence that supported the preparation of the now withdrawn LDP is therefore a material consideration that weighs against the conflict with EC1.

The UDP's Green Barrier designations are based on an outdated plan strategy which is now over 20 years old. In contrast, the GWR forms part of an evidence base that has been scrutinised at examination. This means limited weight should be afforded to policy EC1 in this case and the conflict with the policy would not, by itself, be fatal to the proposed development.

Notwithstanding the conclusions set out above in respect of the UDP Green Barrier designation, having regard to the conflict with UDP policies PS1 and H5 as well as paragraph 3.60 of PPW12, the principle of development is not acceptable.

Design

The mobile home is situated to the rear of the site and is obscured from view from public vantage points by other buildings on the site as well as existing boundary screening. When viewed from the site itself, the mobile home forms part of cluster of existing buildings. However, the existing cluster of buildings comprises of a former farmhouse, brick-built barns and a Dutch barn. Despite the conversion of the brick-built barns to dwellings, the site retains an agricultural character, typical of its rural surroundings. The mobile home, in contrast, is no reflective of the agricultural character and setting of the site. Therefore, despite it not being in a visually prominent location, it detracts from the character and appearance of the site and wider rural landscape. The proposed development therefore conflicts with policy GDP1.

Impact on Neighbouring Amenity

The mobile home is approximately 130 metres from the nearest neighbouring property. It is also approximately 45m away from the two barn conversions in use, with an steel farm agricultural building situated in between. The position of the mobile home is therefore such that it does not adversely impact upon the

living conditions afforded to the occupiers of nearby residential properties by way of loss of light, privacy or visual over dominance. The distances are also sufficient to ensure the mobile home is provided with appropriate living conditions.

Having regard to the above, the development accords with policy GDP1.

Highway Considerations

The wider Moss Bank Farm site has two vehicular accesses. The Highway Officer has advised that the visibility from the accesses is considered acceptable, subject to traffic speeds being confirmed. No speed surveys accompany the application. However, planning permission for the conversion of the barn to 2 dwellings (P/2021/288) was granted on the assumption of traffic speeds being 40mph. There have been no changes in the road conditions since then and as such, there is no reason to conclude that adequate visibility cannot be provided and maintained. Moreover, the additional traffic generated by the mobile home, in addition to the traffic generated by the 3 permanent dwellings on the site, is likely to be relatively modest.

The mobile home has 3 bedrooms. The maximum parking for 3-bedroom dwellings is 3 spaces in accordance with guidance set out in LPGN16. The site has adequate space to provide the maximum parking provision and to permit vehicles to turn within the site.

Having regard to the above, the development does not give rise to highway safety concerns and as such, accords with policy GDP1.

Natural Environment

The application is accompanied by and Ecology Report as well as the Ecology Reports that accompanied the previous applications for development at the site. The site is in an area where Great Crested Newts are known to be present. If the development had not already commenced, a scheme of Reasonable Avoidance Measures (RAMs) would need to be implemented during the construction/site development phase. A condition to require RAMs was imposed on the planning permission for the adjacent barn conversion. Having regard to the fact that this is a retrospective application and that no further development works are proposed, requiring a scheme of RAMs is unnecessary. Also, having regard to the fact that no conditions to require any post-development mitigation or management were imposed on the adjacent barn conversions, it is considered unlikely that the retention of the mobile home would give rise to unacceptable ecological impacts. As such, the development accords with policy EC6.

The application is accompanied by a Green Infrastructure Statement. This confirms all existing trees and hedges on the site are to be retained. No measures to secure a net benefit to biodiversity (NBB) are proposed. The development therefore does not accord with paragraph 6.4.5 of PPW12. PPW12 requires that all developments deliver NBB but in light of the matters discussed later in this report, it is not considered reasonable or necessary to require NBB measures. However, if Members were minded to grant planning permission for

the mobile home to remain on site on a permanent basis, a suitably worded condition would be necessary to require a scheme of NBB to be implemented in order to ensure the development complies with the requirements of PPW12.

Drainage

The application form confirms that the development is served by a bio-disc. Based on the details submitted, as well as the drainage scheme approved for the adjacent barn conversation scheme (Ref: P/2021/1110), the drainage field is more than 50m away from the drainage field of an existing private foul water system. It is also more than 40m from a water course. Not part of the site lies within 50 metres of the boundary of the River Dee and Bala Lake Special Area of Conservation (SAC). The bio-disc serves a single dwelling is likely to generate less then 2 cubic metres of foul water per day. Finally, percolation tests demonstrate ground conditions are appropriate. Having regard to NRW's guidance "*Advice contain to planning authorities for planning applications affecting nutrient sensitive Special Areas of Conservation*" the development is unlikely to result in an increase in nutrient levels within the SAC and in turn, is unlikely to have a significant affect on the SAC. It therefore accords with policy EC6.

Other Considerations

Minerals Buffer Zone

The application site lies adjacent to part of Borras Quarry. PPW12 para 5.14.45 requires buffer zones should be identified in development plans around existing minerals sites in order to avoid conflict between mineral workings and other land uses. Paragraph 71 of Minerals Technical Advice Note (MTAN)1 explains that the purposes of buffer zones is to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance between potentially conflicting land uses. It states that research has indicated that people living close to mineral workings consider dust to be the main impact of mineral extraction. Noise and vibration are also identified as impacts.

The site lies within a Minerals Buffer Zone as defined by the UDP. Policy MW11 states that new sensitive non-mineral development will be resisted within buffer zones. Paragraph 11.12 of the UDP confirms that sensitive non-mineral development includes housing. The UDP remains broadly consistent with PPW12 and MTAN1, therefore policy MW11 can continue to be afforded significant weight.

The Minerals Officer has advised of the need to demonstrate that the development will not compromise mineral extraction within the existing quarry. In response, the applicant has submitted a Noise Assessment which concludes noise levels to be within acceptable levels. However, the Minerals Officer has advised that there is no reference to mineral planning policy or guidance in the report. Moreover, the Assessment was carried out over a week, which is not considered as being representative of noise arising from quarry workings. As the Minerals Officer points out, at the time of the Assessment, workings may have been taking place at some distance from the dwelling. However, they may take place much closer to the property at other times.

The Public Protection Officer has also reviewed the Noise Assessment and noted that it identifies the noise environment as: '*Measured sound levels were noted to consist of non-descript distant traffic noise with some low level noise emissions from the quarry, typically in the form of diesel engines'.* The Public Protection Officer has commented that these are not considered representative of a working quarry and that there has been no description of how close to the site the recorded works were or whether they would be expected to get closer. The Public Protection Officer recommended further consideration be given to the quarry workings that could take place closest to the site. In response, the consultant who undertook the Noise Assessment has referred to the site being behind bunds and there being dense vegetation on the site. However, the response does not demonstrate that there are sufficient measures in place to appropriate protect the site from quarry working derived noise. In addition, vegetation has only limited effect when it comes to noise attenuation.

Whilst it is accepted that the 3 existing dwellings on the site also lie within the Minerals Buffer Zone, they are sited further away from the boundary with the quarry that the mobile home. Moreover, being of permanent construction, the fabric of the buildings is likely to offer some degree of acoustic attenuation. In contrast, the Noise Assessment does not demonstrate that the mobile home has been specifically adapted to provide any acoustic attenuation. The fabric of a mobile home is likely to provide less attenuation that than of a permanent building.

In addition to noise, quarrying operations can give rise to dust. The Public Protection Officer has advised that an Air Quality Assessment should be carried out. The application is not accompanied by an Air Quality Assessment. It is therefore not possible to conclude that the dwelling is sited so as to avoid dust giving rise to harm to the living conditions of the applicant and his family.

Having regard to the above, it has not been demonstrated that the mobile home would not adversely impact upon the extraction of sand and gravel from the adjoining quarry and/or that it provides appropriate living conditions for the applicant and his family. The development therefore does not accord with policies GDP1 and MW11 of the Wrexham UDP.

<u>Representation from the National Annexe Planning Consultancy (NAPC)</u>
Whilst noting the comments made by NAPC, for a unit of accommodation to be considered as an annexe, it must be used in a manner that is ancillary to a primary dwelling. To be considered ancillary, annexe accommodation would need to be subsidiary to and also functionally linked in some way to a primary dwelling. This could include accommodation occupied by someone who receives care from or provides care to the occupier of a primary dwelling and/or where the occupier of the annexe is dependant upon one or more facilities in a primary dwelling. In addition annexes would normally be located within the curtilage of a primary dwelling.

The mobile home at Moss Bank Farm lies outside of the residential curtilages of the 3 dwellings on the wider Moss Bank Farm site and is not being used in a manner that is ancillary to any of those 3 dwellings, but rather as a unit of primary accommodation it is own right. It is therefore not annexe accommodation.

Personal Circumstances

Part of the applicant's case for retaining the mobile on site is due to personal circumstances. The applicant lives in the mobile home with is partner and their young child. The applicant is a Royal Welsh Fusilier veteran who sustained significant and life changing injuries in 2010 whilst on operational military service in Afghanistan, resulting Post Traumatic Stress Disorder and an on-going need for medical treatment.

Paragraph 9.4.9 of the Development Management Manual (DMM) advises that planning permission normally runs with the land and that it is seldom desirable to provide for any other arrangement. In exceptional cases, even though such considerations will rarely outweigh the more general planning considerations, the DMM advises that personal circumstances may be material to the consideration of a planning application. If personal circumstances are considered to outweigh other planning conditions, the DMM advises that permission may be granted subject to a condition that it is personal to the applicant. However, the DMM advises that personal permissions will hardly ever be justified for works or uses that will remain long after the personal circumstances of the applicant have changed.

The applicant's personal circumstances are such that there are unlikely to be many individuals in Wales or indeed the wider UK living the injuries the applicant sustained on active military service. As such they are considered to be a relevant material consideration.

The applicant's military service, the injuries sustained, on-going need for medical support mean that the Council has a statutory duty to have regard to the Armed Forces Covenant when providing services for former Service personnel and is therefore a relevant material consideration in the determination of this application.

The Covenant is a promise by the nation that those who serve or have served in the armed forces, and their families, should be treated fairly. It is also a promise that they should not be disadvantaged because of their service and a recognition of the sacrifices they make on behalf of the nation.

To comply with the Covenant public authorities must ensure they remove disadvantage due to service and in some cases offer bespoke support/services for those who have sacrificed the most. The Ministry of Defence Statutory Guidance on the Armed Forces Covenant Duty defines a disadvantage a when the level of access a member of the Armed Forces Community has to goods and services, or the support they receive, is comparatively lower than that of someone in a similar position who is not a member of the Armed Forces Community, and this difference arises from one (or more) of the unique obligations and sacrifices of Service life.

The Statutory Guidance applies to three key service areas, healthcare, education and housing and explains what a disadvantage may mean in respect of those areas:

- In healthcare, veterans and Service families might experience more challenges in accessing healthcare, or more delays in receiving treatment, compared to non-Service patients;

- In education, Service children might experience an interrupted education, a disrupted social experience, reduced mental wellbeing, a longer journey to school, or not being able to take holidays during normal school holiday periods. Service children with additional needs might suffer delays relating to assessments and plans; and
- In housing, veterans, Service personnel leaving Service, and Service families might lack knowledge about housing services, not have built up sufficient 'local connection', not be prioritised to receive social housing, experience a lack of available social housing, find it more difficult to communicate with housing bodies, be reluctant to seek early help, or require adaptations to be made to their home when they re-locate.

The Covenant also contains a Special Provision. The Guidance explains that Special Provision is the taking of actions that go beyond the support provided to reduce or remove disadvantage. Special Provision may be justified by the effects of the unique obligations and sacrifices of Service life, especially for those that have sacrificed the most, such as the bereaved and the injured (whether that injury is physical or mental). The service and sacrifice made by the applicant means the Special Provision is also relevant.

The Guidance advises that there are a number of ways in which the Special Provision could be given:

a) Implementing a bespoke solution to mitigate an identified disadvantage, for the benefit of a group or individual that has sacrificed the most, where the solution goes above and beyond what is provided for the general public and most members of the Armed Forces Community.
b) Offering something additional to a group or individual in the Armed Forces Community that has sacrificed the most, not to directly mitigate an identified disadvantage, but more as a general recognition of particularly sacrificial Service to the country.
c) Establishing different policies or procedures, for the benefit of a group or individual in the Armed Forces Community that has sacrificed the most.

Of the three areas covered by the Covenant, housing is the most relevant to this application. However, although the Special Provision does allow Local Authorities to implement bespoke solutions, the Statutory Guidance does not suggest that the provisions of the Covenant are intended to enable former Service personnel to obtain planning permission for development that would otherwise not be granted. In considering both the Council's duties under the Covenant and having regard to local and national planning policy, it is therefore necessary to consider whether there are valid grounds to grant planning permission for the mobile home on a permanent basis.

Refusal of planning permission and requiring the applicant to cease the use of and remove the mobile home from the land would not render him or his family homeless. As already noted above, the applicant owns 3 dwellings on the site. However, him had his partner have chosen to let these out as holiday accommodation rather than live in them themselves. As also noted above, details submitted with the planning application for the conversion scheme in 2021 suggested an intention to covert the buildings to family dwellings.

Turning to the applicant's personal circumstances. Details submitted with the application state the mobile home has been especially adapted for the applicant's needs. These include a ramped access to the external doors of mobile home. The ramped access is made necessary due to the mobile home sited on plinth approximately 0.5m.

Of the three dwellings, the former farmhouse is a two-storey dwelling. Given the applicant's injuries, it is likely this property would require extensive alterations to make it suitable for him and his family to live in. One of the two barn conversion to the rear of the site also has accommodation on two levels, so may also require extensive alterations. The other barn conversion has accommodation entirely at ground level. It is therefore likely to require less extensive alterations to cater for the applicant's needs. However, the application is not accompanied by any supporting information to demonstrate that a detailed assessment of the alterations required to adapt any of the three dwellings to provide suitable accommodation for the applicant and his family has been undertaken and found to be impractical.

It is recognised that the 3 units of holiday accommodation provide a source of income for the applicant. If him and is family were to move into one of those units, there would inevitably be a loss of income. However, the applicant also owns a property development business. The applicant has been asked to provide information about the income derived from the holiday accommodation and from other properties owned by him, either directly or via his business. The purpose of the request was to help Officers understand the impact a loss of income would have. However, the applicant has declined to provide this information. As such, there is no information before the Council to suggest that the applicant and his family would be left without an adequate level of income if they were to remove the mobile home and move into one of the 3 lawful units of accommodation on site.

Having regard to the above, although it is accepted that the applicant requires a dwelling specifically adapted to his needs, it has not been demonstrated that these requirements can only be met through the mobile home, and that alternative accommodation is not available or could not be made available by way of one of the existing 3 permanent dwelling on site. Therefore, although applicant's sacrifices made during his miliary career are acknowledged, living in the mobile home is a personal choice rather than being made necessary or unavoidable due to the applicant's personal circumstances.

The Council has already implemented a bespoke solution for this case, in recognition of the applicant's personal circumstances and obligations imposed by the Covenant. These include:

- Setting a clear deadline for the submission of a planning application;
- Allowing extra time for the submission of the planning application when this was requested by the applicant;
- Not serving an Enforcement Notice;
- Forgoing the fee normally payable for planning applications. An exemption from planning fees only applies to applications for alterations to or development within the curtilages of existing dwellinghouses in order to

provide access to or enhance the wellbeing of a person with a disability. The exemption does not apply to applications for new dwellings;
- Requested further information from the applicant prior to determination.

It is acknowledged that the applicant may not be able to move into one of the 3 other dwellings on site without them requiring alterations to make then suitable for his specific needs. In recognition of this and the statutory duties imposed under the Covenant, a bespoke solution in this instance would be to grant a personal, temporary planning permission for a 2 year period. This would ensure the applicant and his family is not rendered homeless in the short term and would provide time for him to identify what works are required to adapt one of the other 3 dwellings to make it suitable for him and family to occupy, obtain planning permission and/or Building Regulations approval if necessary, and to undertake the work. In addition, the Council could provide pre-application advice in respect of any changes, forgoing the normal pre-application advice fee. Any alterations or extensions needed to adapt one of the dwellings to the applicant's specific requirements would also qualify for the exemption from application fees discussed above. The applicant would have the opportunity to lodge an appeal against the planning conditions should they wish to do so.

The grant of a time limited, personal planning permission would also be appropriate, having regard to the concerns raised earlier in the report regarding the proximity of the mobile home to Borras Quarry and potential impact this could have on the living conditions afforded to the applicant and his family.

Having regard to the above and on the basis of the evidence before the Council, the applicants' personal circumstances do not outweigh the conflict with both local and national planning policies regarding housing in the countryside. In addition, insufficient information has been submitted to demonstrate that location of the dwelling is not likely to be adversely affected by quarrying operations within the adjoining Borras Quarry. However, acknowledging the fact that the applicant could not immediately move out of his existing accommodation and of the likely need to alter one of the existing dwellings on site, a personal and temporary planning permission would offer a bespoke solution that ensures the Council accords with its statutory duties under the Covenant, whilst also securing a resolution to the conflict with planning policy, albeit in the medium term.

Conclusion

The development conflicts with UDP policies PS1 and H5. Whilst acknowledging the applicant's personal circumstances and the need for specially adapted dwelling, it has not been demonstrated that there is an essential requirement to live on site in conjunction with the operational of a rural enterprise and/or that one of the other existing dwellings on the site could not be adapted to provide suitable accommodation. In addition, due the proximity of the mobile home to Borras Quarry, the permanent retention of it would give rise to concerns for the living conditions of the applicant and his family, in conflict with policy GDP1. However, in recognition of the Council's statutory obligations under the Armed Forces Covenant, it is considered that granting of a temporary, personal, planning permission would be an appropriate bespoke solution that

acknowledges the applicant's personal circumstances and provides sufficient time to secure suitable alternative accommodation.

Condition(s)

1. The residential use of the mobile home hereby permitted shall be discontinued and the mobile home shall be permanently removed from the land on or before 30 June 2028 and the land shall be restored to its former condition on or before 31 July 2028.

2. The use hereby permitted shall be limited to Mr Shaun Stocker and/or Ms Amy Lloyd and to any resident dependants.

Reason(s)

1. To enable the applicant sufficient time to secure alternative accommodation and to comply with policies PS1 and H5 of the Wrexham Unitary Development Plan.

2. In recondition of the applicant's requirement for specially adapted accommodation and, in conjunction with condition 01, to ensure compliance with policies PS1 and H5 of the Wrexham Unitary Development Plan.