Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Appeal Decision

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by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 04/09/2026

Appeal reference: CAS-04651-J3K2W7

Site address: Bowling Bank Farm, Mulsford Road, Worthenbury, Wrexham, LL13 0AW

- 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 Broughton Hall Estates against the decision of Wrexham County Borough Council.
- The application Ref P/2025/0129, dated 12 February 2025, was refused by notice dated 19 March 2025.
- The development proposed is described as 'part conversion of redundant agricultural building to dwelling'.
- A site visit was made on 10 April 2026.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's reasons for refusal allege conflict with policies in the Local Development Plan (LDP). Following a Direction from Welsh Ministers the Council has withdrawn the LDP. Consequently, the development plan comprises Future Wales and the Wrexham Unitary Development Plan 1996-2011, adopted 2005 (UDP). The Council has indicated the UDP policies with which it considers the proposed development conflicts and all parties have had the opportunity to comment.

3. In response to Natural Resources Wales's (NRW) comments on the appeal, the appellant submitted further information in relation to the proposed foul drainage arrangements. As all parties had the opportunity to comment on the submission, I have had regard to it, and NRW's subsequent response, in my decision.

Main Issues

4. The main issues are:

    - whether the proposal complies with national and local planning policies which seek to protect the open countryside; and
    - the effect of the proposed development on the River Dee and Bala Lake Special Area of Conservation.

Reasons

Countryside

5. The appeal site relates to part of an existing large 'L' shaped former agricultural building of a relatively contemporary design incorporating a steel frame clad in block and timber, with steel cladding to the roof. The part of the building that would be converted to a dwelling relates to the large, taller eastern section. Given the screening effect of mature trees on the southwestern boundary of the site, the appeal site is predominantly viewed in the context of its rural surroundings to the north, east and south which comprised large open agricultural fields, sporadic agricultural buildings and blocks of woodland. In planning policy terms, the appeal site is located in the open countryside where the objectives of UDP policies PS1, PS2 and PS4 seek to control the broad location of development in line with sustainable development principles. These policies are broadly consistent with the objectives of Planning Policy Wales (PPW) to strictly control development in the countryside.

6. UDP Policy H3 makes it clear that conversions of buildings to residential use outside settlement limits will only be permitted where, amongst other things, the building is structurally sound and capable of conversion without extensive rebuilding tantamount to the erection of a new dwelling, and the proposed dwelling and associated curtilage does not constitute an undesirable intrusion into the countryside. Supporting Paragraph 6.10 of the UDP clarifies that planning permission for the conversion of a non-residential property in the countryside will not be granted unless the building is of domestic scale and constructed of permanent materials, such as stone, brick, slate or tiles.

7. In support of Policy H3, the Council's Local Planning Guidance Note No. 3 'Converting Rural Buildings' (LPGN 3) encourages re-use of redundant buildings in the countryside which make a positive contribution to the character and appearance of an area. It acknowledges that by re-using existing resources, conversions can also meet the aims of sustainable built development. However, it recognises that some buildings are not suitable for conversion, including, amongst others, those that are structurally unsound and unsuitable in terms of size and form of construction. In this respect it advises that planning permission would not normally be granted if, amongst other matters, the proposal involves rebuilding more than 10% of the walls if the roof structure needs to be rebuilt, or 20% of the walls if the roof structure is to be retained. Notwithstanding that the UDP was adopted some time ago and that the LPGN is guidance only, the objectives of both Policy H3 and LPGN 3 remain consistent with the aims of PPW.

8. The appellant states that the building is of modern construction, with a robust steel frame dating from 2007, and is structurally sound. However, the Pre-Planning Structural Inspection Report (the structural report) has identified, amongst other things, rot and potential infestation to roof structure members; cracked, damaged and eroded blockwork; and corrosion of steel beams. Although the structural report identifies likely remedial actions for the identified defects for the refurbishment of the building, it fails to demonstrate the extent of works that would be required to convert the building to residential.

9. However, from my observations, and as set out in the appellant's detailed schedule of works, extensive works would be required to enable the conversion of the building to a dwelling to current Building Regulation standards. Such works would include a significant amount of new blockwork to bring the walls up to full height. The appellant estimates that this would be in the region of 30%, in excess of the 20% advised as acceptable in

LPGN 3. The structural report also raises some doubt of the structural capacity/integrity of the hollow blocks in part of the existing walls. Should these require demolition and rebuilding, as suggested in the structural report, this would further add to the amount of new blockwork required.

10. Consequently, on the basis of the evidence before me and my observations, the proposed conversion works would require significant alterations to the fabric of the building. In my view, the overall extent of new building fabric, and the potential reconstruction of parts of the existing block walls, would be such as to render the proposed works tantamount to the construction of a new dwelling. For this reason, and having regard to its scale and modern utilitarian design, the building is not suitable in terms of its size and form of construction for a sympathetic conversion.

11. The appellant accepts that given the modern utilitarian design of the building it does not have any historic or architectural significance and that it makes limited contribution to the wider landscape. Furthermore, owing to its large scale, the building is also not of a domestic scale, and a large portion of the building is not constructed of permanent materials, such as stone, brick, slate or tiles. Consequently, and having regard to my findings on the extent of works required for its conversion, I find that the existing building is not one in which Policy H3 and LPGN 3 seeks to encourage its retention by a sympathetic conversion. The proposal therefore fails to comply with Policy H3 of the UDP and would result in an unjustified dwelling in the countryside, eroding the rural character of the area.

12. The appellant contends that the proposal would provide a sustainable rural dwelling that aligns with the national objective on re-use of building, reducing carbon emissions and supporting rural resilience. I acknowledge that it would result in the re-use of an existing building. Nonetheless, little evidence of its sustainability credentials has been submitted. In any event, this would not outweigh the significant policy conflict. Similarly, the existing building's lack of positive contribution to the surrounding landscape, the proposed improvement in its condition, and the use of similar finishes to an existing barn in the adjacent field, would not justify an unacceptable development or outweigh the policy conflict.

13. My attention has been drawn to a development in the area for an Airbnb unit which was granted planning permission by the Council (Ref: P/2019/0495), which the appellant considers sets a precedent. However, that permission relates to the conversion of a garage, and I do not consider the circumstances to be the same. I have therefore determined the appeal on its own merits.

14. For the foregoing reasons, I find that the proposed development conflicts with UDP Policy H3 and the advice in LPGN No. 3. It also conflicts with the objectives of UDP policies PS1, PS2 and PS4 and PPW. I therefore conclude that the proposed development fails to comply with national and local planning policies which seek to protect the countryside.

River Dee and Bala Special Area of Conservation

15. The appeal site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC) and in an area not served by mains drainage. The planning application form and the Proposed Site Plan shows that the foul water from the proposed dwelling would be disposed of via a package treatment plant (PTP) with the treated output to be discharged to the existing ditch to the north of the appeal site. However, in

response to NRW's comments on the appeal, the appellant has submitted evidence demonstrating that discharges from the PTP could be discharged to a drainage field.

16. NRW have confirmed that this would meet the screening criteria as set out in their standing advice and therefore they are satisfied that the proposed development would unlikely be a source of additional nutrients and/or a pathway for impacts on the SAC. On this basis, they consider that it would be reasonable to screen out this proposal as not likely to have a significant effect on the SAC in relation to nutrient inputs. Consequently, I am satisfied that had I allowed the appeal, a satisfactory method of foul drainage could be secured by a condition.

17. I conclude that the proposed development, subject to conditions had I allowed the appeal, would not affect the integrity of the River Dee and Bala Lake Special Area of Conservation, complying with the objectives of Policy EC14 of the UDP and PPW, which seek to, amongst other things, protect controlled waters and designated sites.

Other Matters

18. The Council's third reason for refusal also alleges lack of information relating to the use of the remaining part of the building, the underlying mineral resource, provision of net biodiversity benefit and the impact on green infrastructure.

19. The appellant states that the remaining part of the building would be used as storage and that no commercial, industrial or agricultural use is proposed. As this part of the building is within the application site boundary, I am satisfied that had I allowed the appeal, a condition could restrict the future use of the remainder of the building accordingly.

20. A Green Infrastructure and Net Biodiversity Benefit statement has been submitted with the appeal. The Council have not commented on this submission. Nonetheless, having regard to the nature and scale of the proposed development, I am satisfied that had I allowed the appeal, full details of the proposed biodiversity enhancements could be secured by a condition.

21. In response to this appeal, the North Wales Minerals and Waste Planning Service confirms that although the application has been submitted without a minerals resource assessment or minerals safeguarding assessment, the nature of the development is such that the mineral underlying the site has already been sterilised by previous development. I have no reason to take a different view.

22. As the proposal would result in the provision of one dwelling, its contribution to any shortfall of housing supply in the area would be limited. Similarly, any contribution to the sustainability of the rural community, employment and economic activity would be limited. These therefore do not outweigh the conflict to national and local planning policies.

Planning Balance and Conclusion

23. Although I have found that the proposal, subject to conditions had I allowed the appeal, would not affect the integrity of the SAC, provide suitable biodiversity enhancements, and would not further sterilise the underlying mineral resource, such matters do not outweigh the conflict with national and local planning policies relating to development in the countryside. I have also had regard to the benefits of the reuse of an existing building currently in poor condition. Nevertheless, such benefits also do not outweigh the policy

conflict. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

24. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

H Smith

INSPECTOR