



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 06/02/19

Ymweliad â safle a wnaed ar 06/02/19

gan Alwyn B Nixon BSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 02.04.19

Appeal Decision

Hearing Held on 06/02/19

Site visit made on 06/02/19

by Alwyn B Nixon BSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 02.04.19

Appeal A - Ref: APP/H6955/A/18/3214586

Site address: Broad Oak Farm, Llyndir Lane, Burton, Rossett, Wrexham LL12 0AU

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 S Trowbridge against the decision of Wrexham County Borough Council.
 - The application Ref P/2017/0623, dated 25 July 2017, was refused by notice dated 30 July 2018.
 - The development proposed is change of use and conversion of barns to form 13 no. residential units and associated works including part demolition.
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Appeal B - Ref: APP/H6955/A/18/3214588

Site address: Broad Oak Farm, Llyndir Lane, Burton, Rossett, Wrexham LL12 0AU

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 S Trowbridge against the decision of Wrexham County Borough Council.
 - The application Ref P/2018/0223, dated 2 March 2018, was refused by notice dated 30 July 2018.
 - The development proposed is change of use/conversion/part-demolition of barns to form 5 no. residential units and associated works.
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Decisions

1. **Appeal A - Ref: APP/H6955/A/18/3214586:** The appeal is dismissed.
2. **Appeal B - Ref: APP/H6955/A/18/3214588:** The appeal is dismissed.

Background and Procedural Matters

3. The appeals concern applications made in respect of parcels of land which together make up the complex of former farm buildings at Broad Oak Farm. The buildings operated most recently as a pig rearing unit, in conjunction with three other units in
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the locality. However, activity at the appeal sites ceased in 2001, and only one of the four units still remains. The two appeal sites slightly overlap, with the intended primary vehicular access and turning area common to both applications.

4. Appeal APP/H6955/A/18/3214586 concerns Proposal/Site 1 and involves the southern part of the complex. Three buildings within this site are proposed for conversion to residential units, identified as follows:
 - Barns A and B, an older two-storey range around a yard area adjacent to the old farm house, which would be converted to 8 dwellings (units 1-8).
 - Barn D, a long single storey L-shaped piggery building of more recent date located behind building B, which would be converted to 5 dwellings (units 9-13). Minor parts of building D would be demolished and part of the structure would also be converted to form external store facilities.
 - Other buildings and ancillary structures (labelled Barns C, E, F and G and structures A and C) would be demolished as part of the scheme.
 - Three new parking barn structures would be constructed, providing covered bays for 6, 6 and 3 vehicles respectively. Other parking within the site would be open parking spaces.
5. Appeal APP/H6955/A/18/3214588 concerns Proposal/Site 2 and involves the northern part of the complex. The following buildings within this site are proposed for conversion to residential units:
 - Barn C, a single- and two-storey brick and slate building with ancillary attached structures, which would be converted to 1 dwelling (unit 1). The conversion would involve removal of parts of the building and structures.
 - Barn E, a more recent single storey piggery building which would be converted to 2 dwellings (units 2 and 3). Part of building E would be demolished and a new parking barn/store structure with bays for 5 vehicles erected in its place.
 - Barn F, another single storey piggery building which would be partly demolished and the remaining part converted to 1 dwelling (unit 5). A new parking barn structure would be erected within the footprint of the demolished part of building F.
 - Barn G, a single storey piggery building similar to building F, which again would be partly demolished and the remaining part converted to 1 dwelling (unit 4). Again, a new parking barn structure would be erected within the footprint of the demolished part of the building.
 - A further, smaller, piggery building on site 2 (labelled Barn D) would be demolished as part of the scheme.
6. Whilst the schemes have been submitted as separate applications, the appellant confirmed at the hearing that the proposals together comprise a two-phase redevelopment of the former agricultural buildings at Broad Oak Farm. Whilst I have considered each scheme on its individual merits I have also had regard to the combined effects of the schemes, were both to be permitted and go ahead.
7. At the hearing it was explained that a section 106 obligation concerning a financial contribution towards education provision had been agreed in respect of Proposal 2 and that the document was awaiting final signature by the Council. The contribution is based on the Council's Local Planning Guidance Note (LPG) 27: Developer

Contributions to Schools, arising from Wrexham Unitary Development Plan (UDP) policy GDP2 concerning capacity of infrastructure and community facilities. At the hearing the Council agreed that a copy of the executed section 106 obligation would be forwarded to the Planning Inspectorate within 7 days. This was duly done. The Council indicated at the hearing that it had not sought a contribution towards education provision in respect of proposal 1.

Main Issues

8. The main issues in relation to the appeals are:

9. In respect of Appeal A/Site 1;

- Whether, having regard to prevailing policies, the conversion proposals for building D (units 9-13) are acceptable, having regard to the form and constructional details of the existing building and the extent of re-building and alteration involved.
- The effect of the proposed scheme on the character and appearance of the area, having regard to the cumulative amount of re-build, alteration and construction of new buildings and the proposed scheme's design, layout and appearance.

10. In respect of Appeal B/Site 2;

- Whether, having regard to prevailing policies, the conversion proposals for buildings E, F and G (units 2-5) are acceptable, having regard to the form and constructional details of the existing buildings and the extent of re-building and alteration involved.
- The effect of the proposed scheme on the character and appearance of the area, having regard to the cumulative amount of re-build, alteration and construction of new buildings and the proposed scheme's design, layout and appearance.
- The potential impact of the proposal on protected species, in respect of the presence of bats on the site.

Reasons

Local Policy Context

11. The development plan for the area is the Wrexham Unitary Development Plan (UDP) 1996-2011, which was adopted in 2005. UDP Policy H3 sets out local planning policy in respect of the conversion of buildings outside settlement limits. Notwithstanding that the UDP now is past its stated plan period, the principles set out in policy H3 remain the up-to-date position so far as the Council's overall approach to the conversion of rural buildings is concerned. The Council has also produced Local Planning Guidance Note (LPGN) No. 3 Converting Rural Buildings, which provides further detail on how policy H3 will be applied. UDP policy H5 sets the broader context for new housing in the countryside and is similarly supplemented by LPGN No. 13.
12. Policy H3 makes clear that conversions to residential use will only be permitted where the building is structurally sound and capable of conversion without extensive rebuilding tantamount to the erection of a new dwelling; that any inherent characteristics of merit are retained; and that the resulting development does not intrude undesirably into the landscape. Policy H5 states that outside settlement limits new dwellings will only be permitted where they accord with policy H3, or in other specified circumstances which do not apply here.

13. LPGNs 3 and 13 provide guidance on the detailed application of policies H3 and H5. LPGN No. 3 explains that many redundant buildings in the countryside make a positive contribution to the character and appearance of an area and remain structurally sound; in such cases their re-use is to be encouraged. However, it notes that some buildings are not suitable for conversion, including eyesores which should be removed in the interests of landscape conservation and buildings which are unsuitable in terms of size and form of construction. LPGN No. 3 emphasises that converted buildings should keep their original character and not have the appearance of being fundamentally new structures. The aim should be to retain key features such as (amongst other things) overall form and proportions; existing wall openings; roof structures; floor levels; and internal layout. Further detailed guidance is given on these matters. In circumstances where the building has no original or traditional features of merit, the Council will expect the conversion design to reflect the vernacular character and appearance of other buildings in the locality. Rooflines should not be raised nor the roof pitch altered. Where the roof structure needs to be rebuilt, the proposal should not involve rebuilding of more than 10% of the walls. Conversions of agricultural buildings should seek to maintain the agricultural character and appearance of the existing structure.
14. Of particular pertinence to these appeals, LPGN No. 3 also notes that some farm buildings (particularly those of comparatively recent construction) resemble industrial units and rarely lend themselves to sympathetic residential conversion. LPGN No. 13 states that conversion of buildings in the countryside to other uses may be acceptable in principle only where the building makes a positive contribution to the character and appearance of the area.
15. The site also lies within a Green Barrier, where UDP policy EC1 applies. Policy EC1 states that within Green Barriers development will only be granted planning permission for uses of land (other than agriculture, forestry and outdoor recreation) which maintain the openness of the Green Barrier. Policy GDP1 sets out development objectives with which all development proposals should accord. These include that the scale, design and layout of development accords with the character of the site and makes a positive contribution to the appearance of the nearby locality; and that the proposal is satisfactory in access and accessibility terms.

Appeal A/Site 1: Building D

16. Building D is an L-shaped concrete-frame building with brick infill walls and concrete floor. The building is single storey and measures 2351mm from internal floor level to the underside of the eaves. It has a frame span of 12250mm (measured externally) and has a ridged roof in cement fibre sheeting, with a pitch of about 22° and ridge height of 5000mm. The building is subdivided internally into a series of small pens arranged on either side of a central corridor. The external walls of the building are punctuated by regularly spaced high level ventilation openings, each shielded externally by large metal hoods.
17. The proposed scheme would convert one wing of building D into 4 3-bedroom dwellings; part of the other wing would be removed and the remainder converted to a further 3-bedroom unit and domestic outside storage facilities. In order to achieve the conversion the existing roof would be removed and replaced with a new slated ridged roof of steeper pitch, which over the new dwellings would be almost 1m higher than the existing ridge, and well in excess of 10% of the building's resulting external wall area (inclusive of window and door openings) would be new build. Although it is said that the steeper roof is proposed to facilitate a natural slate roof covering in place of the present cement asbestos fibre roof, the appellant also stated during the hearing

that an effective slate roof could be provided with a pitch down to as little as 20°, dependent on overlap and fixings. It seems to me that the primary purpose of the increase in roof pitch is to provide habitable accommodation at first floor level within the roof space, which the building is not currently designed to accommodate.

18. The proposed window and doorway openings in the elevations of building D do not correspond at all well with the pattern and size of the existing openings (which are considerably smaller than the external hoods shown on the building drawings). Consequently considerable amount of remodelling of the brickwork would be required in order to carry out the proposed works. The changes to the rear-facing elevations of the dwellings especially would result in large areas of full height glazing projecting some way up the roof slope above the eaves line, together with multiple roof lights almost at ridge height.
19. Taken together, the changes to building D would amount to a wholesale change in the building's fabric form and character, contrary to the clear intention of UDP policy H3 and plainly at odds with the more detailed guidance provided by LPGN No. 3 referred to above. Whilst the Council does not dispute that building D is structurally sound, and there is room for debate as to whether the extent of physical change proposed is such as to render the development "tantamount to the erection of a new dwelling", I am in no doubt that the extent of alteration takes the proposal well outside the intended scope of policy H3, and so also outside the ambit of policy H5 concerning new housing in the countryside. The character and appearance of the existing building would not remotely be retained, perhaps unsurprisingly given its comparatively recent construction and industrial appearance, which as LPGN No. 3 notes militates against sympathetic residential conversion. Nor does the scheme for building D adequately reflect the vernacular character and appearance of other buildings in the locality.

Appeal A/Site 1: Effect on Character and Appearance

20. The Council has made clear that it sees no objection to the details of the scheme so far as it relates to the conversion of buildings A and B (dwelling units 1-8). I have no reason to disagree. It is also the case that the scheme involves the demolition of various buildings and structures within Site 1, to the extent that the Council considers that overall the scheme does not conflict with the Green Barrier objective of maintaining openness and so is not at odds with UDP policy EC1. However, notwithstanding these points, the conversion proposals for building D to provide a further 5 units would result in a building of greater prominence and obviously residential character in place of the existing low key building, which whilst not having aesthetic merit sits relatively inconspicuously as part of the farming landscape. The residential character of the converted building D would be particularly evident in views of the heavily glazed north-east and south-east facing elevations of units 9-13, which would be seen at fairly close quarters from the nearby public footpath running across the adjacent open field.
21. Although the appellant argues that the schemes would bring about an improvement in the character and appearance of the area, through the net reduction of buildings and structures across the site, any gain in these terms arising from the removal of buildings and structures would in my view be more than offset by the nature of the changes to the remaining buildings, the introduction of new buildings for parking and storage purposes and the urbanising character of the resulting residential scheme.
22. In the light of the above I conclude that the scheme for Site 1 would, principally because of the details proposed in respect of building D, have an unacceptably urbanising effect on the character and appearance of the countryside in this location,

creating an excessively large concentration of housing in a rural location unrelated to the prevailing settlement form in the locality. The urbanising effect on the locality would be increased still further if the proposed conversion of buildings on Site 2 were also to go ahead, as sought by Appeal B, resulting in 18 dwelling units in total. In the light of this I conclude that the scheme does not accord with requirement a) of UDP policy GDP1 that the scale, design and layout of built development accords with the character of the site and contributes positively to the appearance of the locality.

Appeal B/Site 2: Buildings E, F, G

23. The Council accepts in principle the part-demolition and conversion of building C on Site 2 (also referenced as building M in the statement of common ground) to a single dwelling unit (unit 1). Elements of this building are 2-storey and pre-date the more recent purpose-built pig production buildings. Buildings E, F and G are single storey piggery buildings of similar age, appearance and built form to building D on Site 1.
24. The part of building E proposed for retention and conversion has a height to eaves of 2582mm and ridge height of about 5350mm, with a roof pitch of about 27°. The Council does not dispute that the building is structurally sound. The proposed conversion details show the retained building subdivided into two single storey dwellings (units 2 and 3); the existing eaves height, ridge height and roof profile would be retained, with the proposal drawing showing the existing asbestos cement fibre roof covered replaced by natural slate. The roof slopes would be unbroken by roof lights or chimney flues.
25. In respect of these matters I consider that the proposals for building E would satisfy the thrust of UDP policy H3 and LPGN No. 3. The conversion proposals would utilise the existing building structure, with no significant construction of new sections of external wall and no change to the roof profile apart from re-covering. Although the existing building possesses no features of particular architectural merit, policy H3 does not stipulate that buildings must possess such features to qualify for conversion.
26. However, the main elevations of the existing building only have small, high-level openings behind the larger ventilation hoods currently affixed to the external walls. Whilst these hoods are a prominent feature of the existing building and are partly replicated by the size and positioning of some of the proposed new window openings, I consider that the scheme fails to adequately reflect this element of the building's character and appearance, especially in respect of the east elevation which incorporates four sets of double patio doors facing the thoroughfare to units 4 and 5 of the scheme. Furthermore, the proposal to demolish the lower south-eastern section of building E, only to replace it with a new parking barn and external stores structure, does not accord with LPGN No. 3, which stipulates that garaging or domestic storage requirements must be met within the existing buildings. I see no reason why, with a little effort and imagination, the existing structure could not successfully be adapted for this purpose.
27. Turning to buildings F and G, these also are single storey piggery buildings of similar age, character and materials to building E but of different dimensions and detailed design. Again, both existing buildings are structurally sound. Both would be partly demolished and each remaining structure converted to a single storey dwelling (identified respectively as unit 5 and unit 4). A new "parking barn" structure would be constructed in place of each demolished element.
28. Building F has an eaves height of only 1650mm. The submitted conversion proposals would involve building up the walls to a new eaves height of 2324mm (+674mm), and

the roof apex would be raised by approximately 750mm. Building G also has an existing eaves height of only 1650mm; its walls would be built up to 2150mm (+500mm) and the roof apex would be raised by a similar amount. The submitted drawings state that the new roofs would be clad in natural slate; however, units 4 and 5 are both shown with roof pitches well below the minimum pitch at which a natural slate covering could be expected to perform effectively.

29. Due to their low eaves heights and shallow roof pitches I consider that buildings F and G are fundamentally unsuitable for conversion to residential units. In my view the overall extent of external alteration and total amount of new building fabric would in each case be such as to render the works tantamount to the erection of a new dwelling. The scheme thus conflicts significantly with UDP policy H3 and LPGN No. 3.

Appeal B/Site 2: Effect on Character and Appearance

30. The Council does not object to the details of the scheme so far as it relates to the conversion of building C (dwelling unit 1), other than having concerns about the size of the curtilage for that dwelling and being unsatisfied as to the level of survey information concerning the building's current use by bats. As with Appeal A, the scheme involves the demolition of various buildings and structures within the site, to the extent that the Council considers that overall it does not conflict with the Green Barrier objective of maintaining openness and so is not at odds with UDP policy EC1.
31. However, despite that some existing structures would be removed, I am concerned that the implementation of the proposals, which would comprise phase 2 of the Broad Oak Farm redevelopment, would result in a cumulative scale and intensity of residential development and activity in the open countryside that would be inappropriate and harmful to the area's character and appearance. I conclude that the proposal, when considered in conjunction with Appeal A/Site 1, would fail to accord with UDP policy GDP1 a), which requires that all new development should ensure that the scale, design and layout of built development accords with the character of the site and makes a positive contribution to the character and appearance of the locality.

Appeal B/Site 2: Effect on Bat Species

32. The appellant and the Council agree that bats are present on Site 2 and that mitigation measures would need to be incorporated within the scheme to offset any adverse consequences for maintenance of the favourable conservation status of the bat populations concerned. However, whilst the appellant has undertaken various inspections and surveys, which he contends are sufficient to enable a decision-maker to properly assess the likely effects of the scheme on the bat species concerned, the Council disagrees that the level of information is adequate.
33. As the Council points out, the additional activity surveys in 2018 were carried out on 14 and 30 September; moreover the 30 September survey was a dawn, not dusk, survey. Guidance is clear that at least one emergent survey should be carried out during the active summer period; surveys later than August risk not picking up activity associated with maternity or male summer roosts. Although the appellant's professional ecological witness considers that overall there is sufficient information to establish the likely extent and nature of use of the buildings by bats, it is plain that the activity surveys undertaken do not fully accord with recommended practice. Whilst further surveys would be carried out prior to application for the necessary derogation licence, statutory guidance is clear that sufficient information to enable an appropriate assessment to be made should be available at the time of a decision to grant planning permission.

34. On the basis of the foregoing I conclude that the available information concerning the presence of bats on site 2 does not reach a level whereby I can appropriately assess the effect of the proposal on the favourable conservation status of protected bat species. This renders the proposal contrary to UDP policy EC6 and weighs against the proposal in the overall balancing of considerations for and against the granting of planning permission.

Other Considerations

35. I have taken account of all other matters raised by the appellant in support of planning permission being granted for the schemes. It is contended that the Council's decisions in this case are inconsistent with permissions it has granted in the past for the conversion of buildings of similar character. In this regard, attention is drawn in particular to the scheme approved at Gamford Farm.
36. I recognise that these schemes indicate that a more contemporary approach to dwelling design and appearance may be taken in the case of buildings which lack intrinsic vernacular architectural merit. However, from the documentation provided and my own visit to the Gamford Farm site I consider that there are material differences between that case and the appeal proposals. The Gamford Farm scheme concerns conversion to a much lower number of units in total, and the critical dimensions (primarily eaves height and ridge height) of the buildings permitted for conversion to my mind make them more inherently suited for residential use than buildings F and G of Appeal B/Proposal 2.
37. I acknowledge that certain aspects of the Gamford Farm proposals indicate considerable generosity in the extent of change permitted to some of the buildings. This is perhaps surprising given the clear prevailing policy guidance concerning the conversion of rural buildings provided by UDP policy H3 and LPGN No. 3.
38. Local planning authorities should be consistent in the interpretation and application of their policies; however, proposals ultimately fall to be determined on their individual merits, in the light of the development plan and any other material considerations. In the appeals before me I find clear conflict with the policies of the development plan, arising from the specific characteristics of some of the buildings concerned, the aspects of the conversion proposals I have identified and the impact of the resulting overall scale of the development on the character and appearance of the area should the schemes go ahead. Notwithstanding that an increase in the eaves and ridge heights of some of the Gamford Farm buildings, together with significant elevational change, was evidently considered permissible in that case, I do not find the Gamford Farm or other decisions drawn to my attention sufficient to outweigh the conflict with the development plan that I have identified in relation to the current appeals.
39. I am also conscious that Wrexham currently has a zero supply of housing land, as it does not have an up-to-date development plan in place. The appeal proposals would make a modest (18 units) contribution to housing supply; this weighs in favour of the proposals. I accept that, notwithstanding its position in open countryside, the appeals site is close to Rossett, which has local facilities, and to primary transport links. However, whilst making proper provision for new housing is plainly an important consideration, it is also important that such provision is made in a manner that accords with other development management policies and principles. Given the policy conflicts and consequent harms that I have identified I do not consider that the contribution to housing supply made by either scheme, or by both schemes together, is of such significance as to warrant permitting them to proceed.

40. It is said that the highway improvements agreed as part of the schemes represent a betterment for the locality. However, these improvements are considered necessary by the Council in order to offset the adverse consequences of the scheme in traffic and highway safety terms. Any net incidental public benefit would be slight and in my view is not a significant factor in favour of the proposals.
41. I have noted concerns raised by other interested parties, particularly those concerning highways and drainage/flood risk matters. The submitted schemes include proposals to improve highway conditions in the immediate vicinity, which address the Council's previous concerns about highway safety. Subject to these improvements I consider that the resulting traffic movements between the site and the nearby main road would not significantly jeopardise road safety.
42. As regards drainage and flood risk, the schemes would reduce the amount of impermeable ground coverage and keep surface water flows to greenfield run-off rates. There is no soil permeability issue in this location and based on the flood risk assessment evidence the proposals would not increase the level of flood risk posed to other properties. Whilst I fully understand the concerns of a nearby occupier given the history of their property experiencing impedance of surface water drains/culverts carrying flows away from their property, the available evidence indicates that the proposals would not exacerbate the situation. Neither of the above matters, in my view, constitute reasons for withholding planning permission. However, this does not alter the other matters which have led to my overall conclusions.
43. In reaching my decision I have taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I recognise that there are some respects in which the proposals fit reasonably well with the Act's goals and objectives. Overall, however, I consider that the development of the existing buildings to create a substantial grouping of 18 residential units in this open countryside location would not adequately meet the Act's objectives concerning environmental well-being and supporting cohesive and attractive communities. I consider that my decision is in accordance with the Act's sustainable development principles.

Overall Conclusion

44. Having taken into account all matters raised, I have concluded that the proposals for Site 1/Appeal A are unacceptable, primarily because of the detailed proposals concerning building D, and that the proposals for Site 2/Appeal B must also fail due to the shortcomings presented by the proposals for buildings E, F and G. Overall, the combined proposals for 18 residential units would have an unduly urbanising effect in this open countryside location, harmful to the character and appearance of the area and inappropriate to its rural context. In both cases the proposals would conflict with policies H3 and GDP1 of the adopted development plan; material considerations do not exist which indicate determinations otherwise than in accordance with the plan.
45. In addition, in the case of Site 2/Appeal B insufficient information has been provided to enable an appropriate assessment of the scheme's implications for the favourable conservation status of protected bat species. This renders the proposal contrary to UDP policy EC6.
46. For the reasons given, therefore, and having regard to all relevant considerations, I dismiss both appeals.

Alwyn B Nixon

Inspector

APPEARANCES

FOR THE APPELLANT:

Guy Evans MRTPI	Cassidy and Ashton, Agent for the Appellant
Shaun Trowbridge	Appellant
Rebecca Sambrook	Sambrook Associates, Ecology Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Mared Rees-Jones MRTPI	Planning Officer, Wrexham CBC
David Williams	Planning and Building Control Service Manager, Wrexham CBC
Emma Broad	Ecology Officer, Wrexham CBC

INTERESTED PERSONS:

Justin Paul MRTPI	On behalf of Mr and Mrs Rigby, local residents
Eirene Craney and Mark Lockett	Local residents

DOCUMENTS SUPPLIED AT THE HEARING

- 1 Extracts of Local Planning Guidance Notes 03, 13, 16, 21, 27
- 2 Copy of agreed section 106 Obligation awaiting LPA signature
- 3 Plan of locality highlighting public rights of way
- 4 Copy of appeal decision APP/H6955/A/17/3188060
- 5 Bundle relating to Gamford Farm development proposal (paper copy of documentation previously submitted electronically by appellant)

DOCUMENTS FORWARDED FOLLOWING THE INSPECTOR'S REQUEST AT THE HEARING

- 1 Site location plan showing red and blue edged land
- 2 Executed section 106 Obligation