

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**7<sup>th</sup> MAY 2019**

**APPLICATION NO:**  
P/2019 /0127

**LOCATION:**  
BLACK ROCK FARM SESSWICK  
WAY CROSS LANES WREXHAM  
LL13 0SQ

**DATE RECEIVED:**  
18/02/2019

**COMMUNITY:**  
Marchwiell

**DESCRIPTION:**  
ERECTION OF AGRICULTURAL  
BUILDING (IN RETROSPECT)  
ANCILLARY TO THE POULTRY  
BUILDINGS CURRENTLY UNDER  
CONSTRUCTION

**CASE OFFICER:**  
PF

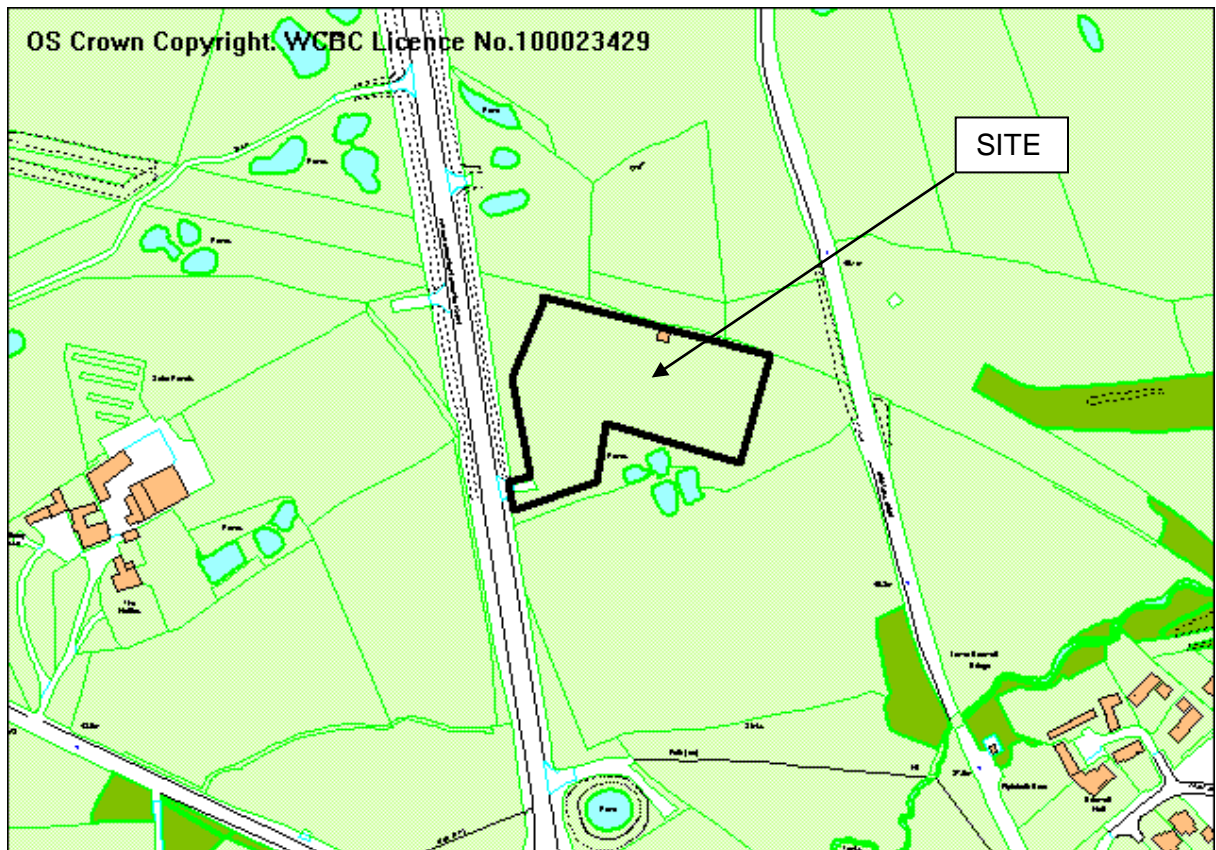
**WARD:**  
Marchwiell

**APPLICANT(S) NAME:**  
MR & MRS ELLIOTT

**AGENT NAME:**  
ACORUS RURAL  
PROPERTY SERVICES  
LTD  
MR ANTHONY  
ATKINSON

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**THE SITE**



**PROPOSAL**

Planning permission is sought in retrospect for the erection of an agricultural building measuring 9m by 3.5m with a mono-pitched roof at a maximum

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**7<sup>th</sup> MAY 2019**

height of 3m. The application is made in retrospect. The purpose of the building is ancillary to the lawful agricultural use of the site and houses the heating system associated with the main poultry rearing unit.

## **HISTORY**

P/2016/0533           Erection of two broiler chicken rearing buildings (each measuring 101.019m x 23.365m) housing up to 40,000 chickens each, to be served by 4 feed bins and a wood chip bin. Erection of associated control rooms, feed weighing rooms and mess facilities, construction of an agricultural storage building and temporary siting of mobile living accommodation in connection with operation of the development.  
Refused 21.07.2017 - Allowed on appeal.

## **PLANNING POLICY**

The site is located outside any defined settlement limit. Policies PS2, GDP1, EC3 and T8 are relevant. Guidance is also contained in Local Planning Guidance Note 16 – Parking Standards.

## **CONSULTATIONS**

Community Council:           Strongly opposes this application. Furthermore, members call for this to be placed before the full Planning Committee.  
The proposal fails to state what items will be stored in this building, why construction happened before permission was sought, and why this was not a feature of the original application. It should surely have been known at that time that such facilities would have been required. Furthermore, the building's location is hidden out of the way, tucked away between the two main buildings with no visible road or path leading to it, and away from the entrances to the chicken sheds. This engenders further suspicions as to motives and purpose. The council objected to the initial application and oppose any further development at the site, especially with so little detail being provided. The building of the two chicken rearing sheds at Black Rock Farm was allowed by the Planning Inspectorate, overruling the local planning authority and disregarding local objections. However, this in no way should be passively interpreted as a green light for the applicant to proceed piecemeal with further development. There have been similar activities alleged at the applicant's other farm in

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**7<sup>th</sup> MAY 2019**

	Hale, where construction continued <i>peu a peu</i> until what was originally intended was achieved. Members do not wish to see the same happening in Cross Lanes.
Local Member:	Requests the application is presented to the Planning Committee as the original planning application was refused.
Site notice:	Expired 19.03.2019
Public Protection:	No comments.
NRW:	Consideration should be given to the ecological mitigation scheme which was approved as part of the original planning application and whether this proposal may impact upon those measures.
HSE:	Does not advise against granting planning permission.
Cadant Gas Networks:	Confirms that there is gas infrastructure adjacent to the site.
Neighbouring occupiers:	None notified.

### **SPECIAL CONSIDERATIONS**

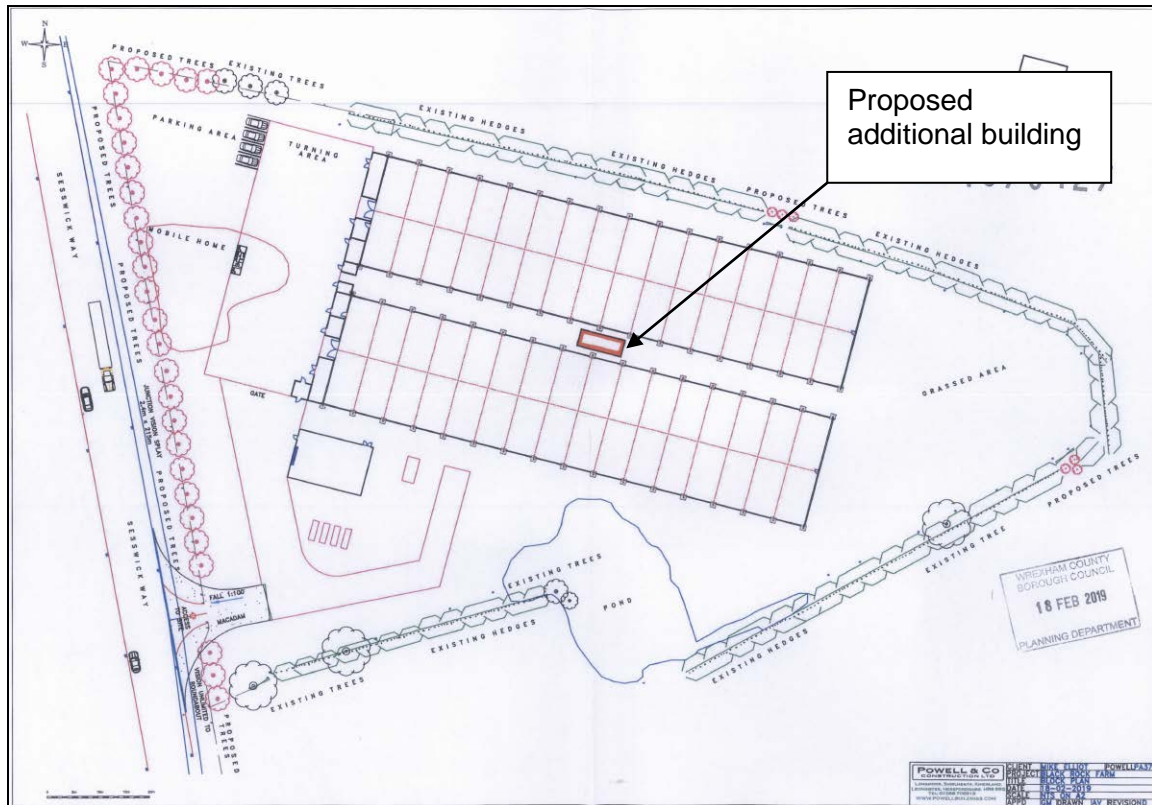
**Background:** Planning permission was refused in January 2017 for the erection of two agricultural buildings for the purposes of rearing poultry along with a temporary caravan for residential purposes and associated access and hardstanding. Planning permission was subsequently granted on appeal. The development has been substantially completed and the applicant has confirmed that the buildings were stocked with poultry in January 2019.

This planning application relates to the provision of a small ancillary building which has been located in between the two poultry units. The scale of the building is small relative to the poultry buildings. It is required for the purposes of housing heating equipment associated with a ground source heat pump.

**Policy:** Policy EC3 of the UDP permits new agricultural buildings in the open countryside. Such buildings should be located as close as possible to the existing farmstead. I am satisfied that this proposal accords wholly with this policy and is acceptable in principle.

**Design and amenity:** Due to its position between the two poultry units, the building in question is not visible and therefore has no impact upon the character of the wider landscape. I have no reason to believe that the building will have any adverse impact upon any nearby neighbouring residential occupiers or other noise sensitive properties. For the benefit of Members, an image of the proposed site layout is shown below.

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**7<sup>th</sup> MAY 2019**



**Position if proposed building relative to existing poultry rearing buildings**

**Ecology:** The previous planning application secured ecological mitigation and management measures in relation to the protection of great crested newts. I am satisfied that this small scale development, which is likely to have been erected at the same time as the poultry units, will have had little to no impact upon the protected species in question or the protection measures imposed and secured by the planning condition of the original planning permission.

**Other matters:** The Community Council has raised concerns regarding the retrospective nature of the planning application. Planning legislation allows for the submission of retrospective planning applications and the proposal cannot be refused for this reason. I am satisfied that the applicant has provided a credible reason for the need of the building. Any developer has the right to submit a planning application for further development whether it was their intention at the time of the original application or as their project has evolved. Whilst doing this in a retrospective manner is a risk for the developer, it is not unlawful. The background of the applicant and how they have developed other sites is not a material planning consideration and cannot be used as a reason to refuse planning permission in this instance.

**Conclusion:** I am satisfied that the proposed development is justified, accords with planning policy in principle and does not have any adverse impact upon the locality or neighbouring amenity. I recommend accordingly.

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**7<sup>th</sup> MAY 2019**

**RECOMMENDATION:** That permission be GRANTED

**CONDITION(S)**

1. The approved plans are those numbered POWELLPA375 LOCATION PLAN and BLOCK PLAN and Black Rock 01.

**REASON(S)**

1. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

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