**In pursuance of its powers under the Acts an Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application**

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

**Applicant** Mrs Larissa Rees

**Reference** P/2025/0279

**Decision Date** 19/05/2025

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## Town and Country Planning Act, 1990

## Section 73

### Location of Application

RACKERY FARM SHOP, CROESHOWELL, LLAY, WREXHAM, LL12 0NY

### Description of Application

AMRYWIO AMODAU 2, 10 A 11 CANIATÂD CYNLLUNIO P/2020/0811 I DIWYGIO AMOD (DEFNYDD)

VARIATION OF CONDITIONS 2, 10 AND 11 OF PLANNING PERMISSION P/2020/0811 TO AMEND CONDITION (USAGE)

In reaching this decision the Council has had regard to the following relevant policies: -

**National Policies and Technical Advice Notes (TAN):**

TAN 18 : Transport
TAN 23 : Economic Development
TAN 4 : Retail and Commercial Development
TAN 5 : Nature Conservation and Planning
TAN 6 : Planning for Sustainable Rural Communities

**Wrexham Local Development 2013 – 2028:**

DM1 - Development Management Considerations
EM4 - Employment Development Outside of Settlement Limits
NE1 - International and National Nature Conservation Designations
NE3 - Trees, Woodlands and Hedgerows
NE6 - Waste Water Treatment and River Water Quality
R1 - Retail, Leisure and Commercial Centre Hierarchy
R6 - Retail, Leisure and Commercial Development (Edge and Out of Centre)
SP8 - Economic Growth, Employment and Enterprise
SP11 - Transport and Accessibility
SP12 - Design Principles & Masterplanning Framework

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SP14 - Natural Environment
SP2 - Location of Development
T1 - Managing Transport Impacts

| Revision | Date | Description of Decision |
|---|---|---|
| 0 | 19/05/2025 | Planning permission issued |

**Particulars of decision : GRANTED subject to the following:-**

**Condition(s)**

1. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):
   - Drawing 2026 D 19 Rev B dated April 2025;
   - Document entitled 'Display Options for outside of Rackery Farm Shop selling seasonal farm shop produce';
   - Drawing 2026 D 03 Rev A dated Nov 2020;
   - Drawing 2026 D 10 Rev E.

2. The development shall be carried out in strict accordance with the details approved under discharge of condition application P/2021/0914, in relation to conditions 3, 6, 9 and 13 of application P/2020/0811.

3. The existing trees, shrubs and hedges shown on the plans approved under ref: P/2022/0811 shall be permanently retained and shall not be cut down, grubbed out, lopped or uprooted. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased shall be replaced with trees, shrubs or hedging plants of the equivalent size and species.

4. The landscaping scheme approved as part of application P/2020/0811 shall be fully implemented in strict accordance with approved drawing no. 2026 D 04 Landscaping.

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5. The planting scheme implemented in connection with condition no. 04 shall be permanently retained. Any planting which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without amendment), no part of the premises shall be used except for the precise purposes described in the application plans and documents.

7. The goods to be displayed at the exterior of the building and their associated units upon which they would be displayed shall be in accordance with the document entitled 'Display Options for Outside of Rackery Farm Shop Selling Seasonal Farm Shop Produce' and Drawing no: 2026 D 19 Rev B. Any produce displayed externally shall not encroach beyond the areas shown on Drawing no: 2026 D 19 Rev A and shall be removed from the exterior of the site outside of the opening hours of the farm shop.

8. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access.

9. The vehicular access shall be laid out in strict accordance with approved plan no. 'Proposed Site Plan, 2026 D 03 rev B' from approval P/2020/0811. The visibility splays shall thereafter be permanently retained free of all obstruction in excess of 1 metre in height.

10. The vehicular access(es) hereby approved shall take the form of a dropped vehicular crossing.

11. There shall be no gates or other means of enclosure across the vehicular access point within 10 metres of the highway boundary.

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12. The vehicular and cycle parking facilities shall be permanently retained at the site, kept free of any obstruction and made available solely for the parking of vehicles and cycles.

13. 80% of products sold for retail (A1) at Rackery Farm Shop shall be produced or reared from within the administrative area of Wrexham County Borough Council.

14. The salon hereby permitted shall operate on an appointment only basis and only one customer shall attend the salon at any time.

**Reason(s)**

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. In order to ensure that the development is carried out in accordance with the details as approved.

3. To ensure the amenity afforded by the trees is continued into the future in accordance with Policies DM1 and NE3 of the Wrexham Local Development Plan.

4. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DM1 of the Wrexham Local Development Plan.

5. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DM1 of the Wrexham Local Development Plan.

6. To control the nature and intensity of the retail A3 use which is not normally allowed within the open countryside.

7. In the interests of the visual amenities of the area, having regard to Policy DM1 (i) of the Wrexham Local Development Plan.

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8. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.

9. To ensure the formation of a safe and satisfactory access in accordance with Policy DM1 of the Wrexham Local Development Plan.

10. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.

11. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access in accordance with Policy DM1 of the Wrexham Local Development Plan.

12. To ensure that adequate parking facilities are provided and maintained within the curtilage of the site in the interests of the free flow of traffic, highway safety and the amenities of the locality in accordance with Policy GDP1 of the Wrexham Local Development Plan

13. To control the nature and intensity of the retail use of that of a Farm Shop.

14. In the interests of highway safety and to ensure there is sufficient parking available at the site, having regard to Policy DM1 of the Wrexham Local Development Plan.

**Note(s) to applicant**

You should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link: http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement- series/guidance-for-pollution-prevention-gpps-full-list/

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Environmental Management: All works at the site must be carried out in accordance with http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement- series/guidance-for-pollution-prevention-gpps-full-list/ The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during any construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage: https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Planning & Regulatory Department on 01978 292040 for further advice and information.

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Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:
- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Planning & Regulatory Department on 01978 292040 for further advice and information.

The development is adjacent to a public right of way and the applicant should ensure that the footway is not interfered with. Further guidance can be obtained by contacting the Council's Rights of Way Officer on 01978 792761.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority Your attention is drawn to Highway Supplementary Notes - Refer to Statement of Applicant's Rights and General Information on our planning web site at:- http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm Officer.

**David Fitzsimon**
***Prif Swyddog Yr Economi a Chynllunio, Cyngor Bwrdeistref Sirol Wrecsam***
***Chief Officer Economy and Planning, Wrexham County Borough Council***

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Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
Planning and building control | Wrexham County Borough Council