Planning Department
Wrexham County Borough Council
12 Lord Street
Wrexham
LL11 1LG

Hourigan Planning
10th Floor Chancery Place
50 Brown Street
Manchester
M2 2JG
hello@houriganplanning.com
0333 939 8057

07825 032 630
marc.hourigan@houriganplanning.com

Your ref:
Our ref: 2025-07-01 LPA
Date 1 July 2025

SUBMITTED VIA THE PLANNING PORTAL – PLANNING APPLICATIONS WALES

Dear Sir/Madam

APPLICANTS: MR RICHARD TOMLINSON, MRS SADIE TOMLINSON, MR WILL TOMLINSON & MR GEORGE TOMLINSON OF ROSSETT PARK FARMING

SITE: LAND AT LOWER PARK FARM, ROSSETT ROAD, COMMONWOOD, HOLT, WREXHAM, LL12 0BN (EASTING: 3388818/NORTHING: 355092)

DESCRIPTION OF DEVELOPMENT: EXTENSION TO EXISTING CAR PARK, INSTALLATION OF A FARM SHOP WITHIN A CONVERTED SHIPPING CONTAINER, OUTDOOR SEATING AREA AND PLANTING AND LANDSCAPING

On behalf of the Tomlinson family of Rossett Park Farming we hereby enclose a full planning application for the above-mentioned development.

Supporting Documents

The application is accompanied by the following documents:

1. This letter which also comprises the Planning Statement supporting the proposed development.
2. Application form and ownership certificates.
3. Location Plan – Drawing: 140525-003-P3.
4. Existing Site Plan – Topographical Survey – Drawing 12205_T:2001.3 - 3.3.
5. Proposed Site Plan - Drawing: 140525-003-P5.
6. Proposed Plans and Elevations – Drawing: 140525-003-P3.
7. Highways Note P24092/HN.
8. Preliminary Ecological Appraisal - UES04733/04.
9. Great Crested Newt (GCN) Impact Assessment - UES04733/05.
10. Green Infrastructure Statement - UES04733/06.
11. Great Crested Newt (GCN) Management Plan - UES04733/07.

Our client has been nominated to pay the statutory planning application fee of £485 plus the Planning Portal administration fee of £85. We look forward to receiving confirmation that the planning application has been validated and registered at your earliest convenience.

Planning Statement

The remainer of this letter comprises a Planning Statement submitted in support of the application.

Background

The application site forms part of Lower Park Farm which is operated by Rossett Park Farming (RPF) a 5th generation organic dairy farm with its roots firmly in the local community.

RPF farm 607 hectares (1,500 acres) across land owned by RPF and rented on a long term basis.

RPF operates a well-established organic dairy unit consisting of around 740 cows plus, on average, 500 dairy replacements from 0 to 2 years of age - 250 head of 12-24 months old heifers (heifer replacements), and 250 under 12 months of age. Surplus heifers and calves are sold to other organic farmers. Milking is undertaken twice daily with Butterfat of 4.75%, 3.45% protein with Bactoscan and cell count less than 180. Milk is currently sold on contract to Calon Wen.

Cropping is predominantly grassland of which about 101 hectares (250 acres) are re-seeded in rotation. An average of 152 hectares (375 acres) of arable is grown with spring barley and wheat being fed to the livestock. Around 324 hectares (800 acres) per year are down to grass and this is used for grazing and silage with circa 101 hectares (250 acres) being reseeded per year.

On 13 March 2025 the Council granted full retrospective planning permission (LPA Reference: P/2024/1167) for the creation of a hardstanding/car park and a 2 metre wide educational/agricultural track around the farm holding. The Council will be aware that in respect of the track that this has multiple uses: agricultural, educational and a secure dog walking facility known as the Tail Trail. A 4ft fence spans all around the Tail Trail and it is split into 200m sections which allows users to let their dog off the lead without the worry of it running away. All sections are split by self-locking gates. Users are required not to move into the next section until it is clear.

The Tail Trail has been a resounding success for RPF and the wider community and was featured on the BBC's Countryfile programme in May 2025.

The need for the latest proposed development is two-fold:

- Firstly RPF need to increase the capacity of car parking on site to accommodate the increasing number of visitors to the Tail Trail and to accommodate visitors to the farm shop who might not be using the Tail Trail.

- Secondly, RPF wish to sell their dairy products (and in due course beef reared on the farm) direct to the local public in order to help secure the long term financial viability of the farm. Siting the farm shop within the existing farmstead at Lower Park Farm was discounted at the early stage of the project as there is no space available for accommodating such a facility here and the necessary parking facilities. Additionally, bringing members of the public into the farmstead on an unrestricted basis would conflict with the movement of significant numbers of livestock, tractors and farm machinery and various HGVs that need to visit the farm daily. In practical terms siting the farm shop next to the Tail Trail car park is considered to be locationally the most sensible approach to farm diversification for the above mentioned reasons.

Further details on the proposed development are given below.

The Site

The site comprises 0.11 hectares of predominantly improved pastureland with a very small element (0.01 hectares) of the site area being part of the existing car park/hardstanding.

There is an existing native hedgerow to the north of the site but for the avoidance of any doubt this is excluded from the red line boundary of the submitted drawings and the submitted Preliminary Ecological Appraisal concludes the development would have no impact upon this feature.

The existing car park/hardstanding is located to the east of the site.

Further improved pastureland is located to the south and west of the site.

The Proposals

The proposals can be broken down as follows:

- Extension of the existing car park to provide a further 26 car parking spaces bringing the total, if the application is approved, to 52 car parking spaces. Of these 26 new spaces the proposal would deliver 5 new mobility vehicle spaces.

- 6 cycle spaces are also proposed.

- Further details relating to the highways and transportation aspects of the proposal are set out in the Highways Note prepared by Prime Transport and which has been submitted in support of the scheme.

- Details of the construction of the permeable hard standing area is shown in the typical detail on the submitted proposed site plan. The same approach has been taken as with the first planning application approved with the grass mown, a geotextile placed upon the ground and an MOT finish for the hard standing areas.

- The farm shop will be constructed from a recycled and repurposed shipping container clad in local Welsh Larch. It will be self-sufficient from a utilities perspective in that it will be powered by PV solar panels covering the roof. The location of the proposed farm shop has been chosen to maximise solar gain (it will be south facing) whilst also placing the facility on the edge of the site with the backdrop of the adjoining native hedgerow and hedgerow trees (which are outside of the application site) thereby helping the farm shop to blend into the local countryside setting.

  The farm shop will contain a number of vending machines selling dairy based and beef products. A storage area is also shown in the plans. At this time no additional staff will need to be employed with existing farm staff dealing with the day-today running of the farm shop.

  An outdoor seating area is also proposed.

Statutory & Other Designations

The following designations are material considerations.

Flood Risk

In terms of flood risk and having regard to the Natural Resources Wales (NRW) Flood Map for Planning the site is not at risk of flooding from rivers or the sea (the site lies within Zone 1 – less than 1 in 1,000 (0.1%) (plus climate change)

chance of flooding in a given year) and lies beyond areas at risk of flooding from surface water and small watercourses.

Applying the requirements of Planning Policy Wales Technical Advice Note 15 (TAN15) – Development Flooding & Coastal Erosion (last up-dated 31 March 2025) the development comprises Less Vulnerable Development which is acceptable in principle given the Flood Zone 1 location and because the site lies beyond areas at risk of flooding from surface water and small watercourses. A Flood Consequences Assessment is therefore not required for the proposed scheme.

Ecological Considerations

As noted in the submitted Preliminary Ecological Appraisal (PEA) the site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). NRW has produced advice to Local Planning Authorities (LPAs) concerning development affecting nutrient sensitive River Special Areas of Conservation (28 June 2024). Under the Habitats Regulations LPAs must consider the impact of proposed developments on water quality within SAC river catchments. We return to this matter later in our Planning Statement.

Planning History

The site has no relevant planning history although the planning history relating to the adjoining site as detailed above is acknowledged.

Assessment Of The Proposals Against The Provisions Of The Development Plan

By Order of the High Court of Justice, dated 19 May 2025, Wrexham County Borough Council's decision on the 20 December 2023 to adopt the Local Development Plan (LDP) was quashed. The LDP is no longer part of the Development Plan for Wrexham and is now un-adopted.

The Development Plan for Wrexham now comprises Future Wales: The National Plan 2040 (24 February 2021) and the Wrexham Unitary Development Plan 1996-2011 (14 February 2005) – in order of legal hierarchy.

Future Wales: The National Plan 2040

Positive support can be found for the proposals in Section 3 - Setting and Achieving Ambitions – in particular Outcome 2 relating to vibrant rural places with access to services, Outcome 4 providing opportunities for the Welsh language to thrive and Outcome 11 as the proposed farm shop uses recycled and local materials whilst being powered by renewable energy.

Wrexham Unitary Development Plan 1996-2011

Whilst the UDP has recently returned to Development Plan status (see further commentary below on the LDP it is plainly time expired in meeting development needs with the Plan period having expired over 14 years ago. Since that time there has also been changes to national planning policy in Wales as noted below. Paragraph 7.8 of the Welsh Government's Development Plans Manual (Edition 3) advises that where Development Plans are outdated, Local Planning Authorities should give the Plan decreasing weight in favour of other material considerations, such as national planning policy.

However as officially part of the Development Plan the following UDP provisions are relevant here and ought to be considered.

The Proposals Map 1 of the UDP notes that the site is located within the open countryside. It is not subject to any other designations in the UDP.

Relevant policies are addressed below:

- Policy PS2 is relevant insofar as it relates to the countryside. The proposals are considered wholly compatible with a countryside location and complementary to the farming activities by RPF.

- Policy PS11 – Biodiversity – the proposals will improve biodiversity as illustrated in the submitted Green Infrastructure Statement.

- Policy PS12 – Renewable Energy – the proposals utilise renewable energy.

- Policy GDP1 – General Development Principles. Relevant considerations are detailed below:

  The scale, design, materials and layout of the proposed development accord with the character of the site and would make a positive contribution to the appearance of the locality. The proposals therefore comply with criterion a of Policy GDP1.

  Personal and community safety has been considered in the design evolution of the proposals. They provide additional car parking to meet growing need and so as to avoid issues on the adopted highway and the car park is overlooked by the proposed farm shop. The proposals therefore comply with criterion b, d and f of Policy GDP1.

  Siting and orientation have been carefully considered as noted above. The proposals therefore comply with criterion c of Policy GDP1.

  As noted above the proposed development is not subject to flood risk. The proposals therefore comply with criterion i of Policy GDP1.

  The proposals promote the economic, social and environmental well-being of the area. The proposals therefore comply with criterion k of Policy GDP1.

- Policy EC2 – The proposals will result in the loss of 0.11 hectares of agricultural land that is believed to be Grade 3a (the lower end of best and most versatile scale) having regard to Data Map Wales. However if the project was not successful the land could easily revert to agriculture (note the construction nature of the car park above and that a converted shipping container is being used for the farm shop which could easily also be removed) The loss of 0.11 hectares of farm land is considered a de minimus loss in the context of the wider farm holding and the availability of such land in the locality. As noted above the locational needs of the development mean that there is no other alternative location that would be suitable for the proposed scheme.

- As noted in the submitted information this development would have no adverse effects on hedgerows and trees (as these are outside of the development site and no development will be within the root protection zone of the hedgerow). New hedgerow planting is proposed as part of the scheme, and it is considered that the proposals comply with Policy EC4 – Hedgerows Trees & Woodland.

- Policy EC6 – Biodiversity Conservation. As noted in the Green Infrastructure Statement the proposals will deliver biodiversity improvements in the area. The proposals therefore comply with Policy EC6.

- Policy EC13 - The proposals would not result in an unacceptable adverse impact on the water environment. There is no conflict with Policy EC13.

- Policy S7 - Retail Sales in the Countryside is relevant. Whilst the preamble to the policy notes a preference for reuse of existing buildings new buildings are not ruled out. In this case the proposed shipping container conversion could easily be removed in the future if necessary, so it should not be considered in the same way as a building requiring a foundation. Turning to the constituent criteria, the proposal is to sell goods and produce primarily made or grown by RPF; criterion a is therefore met. In terms of criterion b Policy GDP1 is considered above. Finally in terms of criterion c the sales floor area (i.e. the internal area of the converted shipping container excluding storage) is 29.40m^2. Even if the whole floor area of the shipping container were used this only amounts to 36.69m^2 and hence on either figure the proposals comply with criterion c which sets a 50m^2 sales floor area limit.

- Policy T8 - Parking - Parking is considered further in the Highways Note provided by Prime Transport. The proposals are considered compliant with Policy T8.

Assessment Of The Proposals Against Other Material Considerations

Planning Policy Wales Edition 12 (6 July 2024)

The following sections of PPW are considered relevant:

Section 3.25 - The Welsh Language. The proposals would assist in furthering the use of the Welsh language by providing contributing new facilities to an existing meeting place for people to converse.

Section 3.58 - 3.59 - The Best & Most Versatile Agricultural Land. There is no need to repeat the points made above in respect of UDP Policy EC2 again but in the context of PPW there is an overriding need for the development, previously developed land on the farm is not available and the proposal has been steered to best and most versatile land on the lower end of the scale.

Section 3.60 - Development In The Countryside. It is noted that development in the countryside should be strictly controlled but for all the reasons advanced herein it is considered that the proposals are compatible with the countryside location.

Section 5.5 - Tourism. The existing facilities on the farm are already proving popular with visiting tourists to the area. The proposals will support the tourism appeal of the farm whilst also securing much needed diversification.

Section 5.6 - The Rural Economy. The proposals sit squarely with Section 5.6 of PPW and will secure diversification, thereby strengthening the rural economy and bringing prosperity to the local community.

Section 5.7 - Energy. Again, there is no need to state the points made previously but the proposals utilise recycled and local materials and renewable energy. They site squarely with the aims of PPW with regard to energy use.

Section 6 - Nature. Section 6 of PPW was updated by way of a Policy Clarification Letter on 18 October 2023 entitled: Addressing the nature emergency through the planning system: update to Chapter 6 of Planning Policy Wales. This amendment was carried through to Edition 12 of PPW published in July 2024 and has the requirement for a step wise approach to biodiversity to be adopted. This effectively means that development must secure a net benefit for biodiversity. The proposals meet this objective as demonstrated in the submitted Green Infrastructure Statement.

Technical Advice Notes (TANS)

TANS supplement PPW; the following are relevant here:

- TAN 5: Nature Conservation and Planning (30 September 2009).

- TAN 6: Planning for Sustainable Rural Communities (30 July 2010).

- TAN12: Design (31 March 2016).
- TAN15: Development, Flooding and Coastal Erosion (31 March 2025).
- TAN16: Sport, Recreation and Oen Space (31 January 2009).
- TAN18: Transport (31 March 2007).

We have not identified any material conflicts between the proposals and the above-mentioned TANs.

With regard to TAN6 the proposals sit squarely with Section 3.7 with regard to farm diversification and should be considered appropriate uses. With regard to Section 3.8 the proposed farm shop aims to sell products produced on the farm.

The Unadopted LDP

The status of unadopted LDP is briefly outlined above. It is noted that Officers will be presenting a report to Planning Committee on 7 July 2025 with regard to the status of the unadopted LDP for decision making[1]. The position of the professional Planning Officers of the Council on the unadopted LDP as set out in their report is noted in particular:

- *…."The LDP now has the status of an unadopted plan. However, the unadopted LDP has not been formally withdrawn and it does not disappear. The High Court decision has no effect on the conclusion of the Examination Inspectors that the LDP is 'sound' or the underlying evidence base".* (Paragraph 2.9).
- *"Because the UDP is now outdated, conflict with one or more UDP policies would not, in itself, be fatal to individual planning applications, unless the proposed development also conflicted with PPW12, guidance in relevant TANs, FW or policies within the unadopted LDP". (Paragraph 2.16).*
- *"Conversely, where a proposed development accords with policies in the unadopted LDP, in the view of Officers, this will be a material consideration that weighs heavily in its favour and will outweigh conflict with UDP policies, provided the proposed development also accords with PPW12, guidance in relevant TANs and FW". (Paragraph 2.17).*

Relevant policies in respect of the unadopted LDP are as follows:

- Policy DM1 - Development Management Considerations.
- Policy EM4 - Employment Development Outside of Settlement Limits.
- Policy NE3 - Trees, Woodlands and Hedgerows.
- Policy SP8 - Economic Growth, Employment and Enterprise.
- Policy SP11 - Transport & Accessibility.
- Policy SP12 - Design Principles & Masterplanning Framework.
- Policy SP14 - Natural Environment.

[1] See: https://moderngov.wrexham.gov.uk/ieListDocuments.aspx?CId=137&MId=9545&Ver=4&LLL=0

- Policy SP18 - Climate Change.
- Policy SP19 Green Infrastructure.
- Policy SP2 - Location of Development.
- Policy T1 - Managing Transport Impacts.
- Policy CF1 - Protection if Existing Open Space Sport and Recreation Facilities.

We have identified no conflicts between the proposals and the above-mentioned policies.

Habitats Regulations Assessment (HRA)

The nearby SAC has been acknowledged above however given the nature of the proposals the LPA should, on the basis of the submitted information, be able to complete a Habitats Regulations Assessment (HRA) for the project. In respect of the specific nature of the proposals it is considered that the project is unlikely to have a significant effect on the SAC's conservation objectives and as a consequence there is no need for the project to be subject to appropriate assessment or the derogation stages of a HRA.

Summary - The Development Plan & Other Material Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

> *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".*

Having regard to the statutory basis for decision taking it is considered that the Council should find the proposed development acceptable.

Concluding Remarks

This is an important development for the local community and the diversification at Lower Park Farm. Having considered these submissions I hope that Officers will be able to support the proposals.

If I can be of any further assistance to Officers, I can be contacted by email on phone via the details given on Page 1 of this submission.

Yours faithfully

[redacted]

MARC HOURIGAN BA (Hons) BPl MRTPI
Managing Director

cc: R Tomlinson } RPF
S Tomlinson }
G Tomlinson }
W Tomlinson }
Encl.