

Further information about us is available at
<https://gov.wales/appeal-planning-decision>

PLANNING APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact us on 0300 0604400

To help you fill in this form correctly please refer our Procedural guide for Wales.

WARNING: Your appeal must reach Planning and Environment Decisions Wales within 6 months of the date of the Local Planning authority's decision notice.
 (NOTE: If any of the "Essential supporting documents" listed in Section L are not received by us within the appeal period, the appeal will not be accepted)

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT – The name of the person(s) making the appeal must appear as an applicant on the application form. **If this is not the case the appeal may not be registered.**

Name	Mr Paul Bignell
Organisation Name (if applicable)	GAROB Developments Ltd

B. AGENT (if any) FOR THE APPEAL

Name		
Organisation Name (if applicable)		
Reference		

C. LOCAL PLANNING AUTHORITY (LPA)

Name of the LPA	Wrexham Planning Authority
LPA's application reference number	ESC P/2022/0042
Application form dated	13/01/2022
Date of LPA's Decision notice (if issued)	14/07/2022

D. APPEAL SITE ADDRESS

Address	Land to the South of the Old Black Horse Public House, High Street, Rhoystyllen Wrexham LL14 4AG
Postcode	LL14 4AG

Size of the whole appeal site (in hectares)	0.104Ha
Area of floor space of the proposed development (in square metres)	253m2

	YES*	NO
Are there any health and safety issues at, or near the site which the Inspector would need to take into account when visiting the site? <i>*If yes, please explain in your full statement of case (section H)</i>	☐	☒

	YES*	NO
Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?	☐	☒
Is it essential for the Inspector to enter the site to check measurements or other relevant facts? <i>* If the answer is 'YES' please explain below</i>	☐	☒

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or relevant facts.

E. DESCRIPTION OF THE PROPOSED DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised while it was with the local planning authority for consideration, you may enter a description of the revised scheme. Please enclose a copy of the LPA's agreement to the change.

Original Application for the site was; 'Application for residential development (3 No dwellings.)' Condition 7. (to which this appeal relates)
No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be implemented in accordance with timescale to be agreed as part of the submitted details and maintained thereafter.

	YES	NO
Has the description of the works changed from that entered on the application form?	☐	☒
Is flooding an issue?	☐	☒
Does the works affect the setting of a listed building?	☐	☒
Is the appeal site within an Area of Outstanding Natural Beauty?	☐	☒
Does the site lie within a conservation area?	☐	☒
Does the site lie within a green belt/green wedge?	☐	☒
Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?	☐	☒

F. REASON FOR THE APPEAL

This appeal is against the LPA's decision to:

Please tick which applies

		☒
1.	Refuse planning permission for the proposed development.	☐
2.	Grant planning permission for the development subject to conditions to which you object.	☐
3.	Refuse approval of the matters reserved under an outline planning permission.	☐
4.	Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.	☒
5.	Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).	☒
6.	The failure of the LPA to give its decision within the appropriate period (usually 8 weeks) on an application for planning permission.	☒

G. Other Appeals

	YES	NO
Have you made any other appeals, for this, or nearby land, for example, against a refusal of planning permission?	☒	☐
If yes please give details, including our reference number, if known.		
We have appealed the refusal to remove condition 9 of the original planning permission regards closing access. REF CAS-01840-M4B7T8		

H. FULL STATEMENT OF CASE

This is your **only** opportunity to make your case in connection with the reason for the appeal as indicated in section F. Therefore please provide your **FULL** statement of case. To do this, you need to go through the reasons for the decision (if provided), and explain why you disagree. Only the reasons within the LPA's decision and the reasons put forward by you at application stage should be included on your appeal form. You should not introduce any new reasons for the appeal. Please refer to our Procedural Guide for further information.

Please continue on a separate sheet if necessary

Reason for Refusal: The proposed development would result in an increase in phosphate levels which would be harmful to the River Dee and Bala Lake Special Area of Conservation (SAC). The proposal is therefore contrary to paragraph 6.4.18 of Planning Policy Wales and Policy EC6 of the Wrexham Unitary Development Plan.

The development would not add any phosphates as it would be rented to people already living in the area - stipulation is that these properties are to rent for the local population. These people already use the sewage system and therefore it would not increase the amount of Phosphates. They would simply be using a different toilet and the waste would still be entering the Five Fords Treatment Plant. We would also contest that the amount is de minimis when considering the size of the dwellings and number of occupants (potentially 6 people, possibly 3.) We also contest that the exact wording relates to the following:

"No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be implemented in accordance with timescale to be agreed as part of the submitted details and maintained thereafter."

We have provided a scheme that relates specifically to the physical elements of the drainage strategy these have been approved by Dwr Cymru. We have indicated how the water, surface water will be dealt with. This again was accepted by Dwr Cymru. We have not been asked to provide a chemical analysis and report on Phosphates. It seems to be effectively adding a condition in retrospect which has no legal position in

I. PROCEDURE (see guidance for further information)

Appeals dealt with under Part 4 of The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017 can be considered on the basis of written representation, a hearing, an inquiry or combined proceedings. In accordance with the Town and Country Planning (Determination of Procedure) (Wales) Order 2017, the Planning and Environment Decisions Wales will make a determination as to the most appropriate procedure and will review it throughout the process.

Please tick one box only

I consider the written representations procedure is appropriate.	☒
I do not consider that the written representations procedure is appropriate for the reasons given in the box below. I accept that it will be the Planning and Environment Decisions Wales decision as to whether a hearing, inquiry or combination will take place.	☐

If you feel that a hearing or inquiry is needed please provide your full reasons below, including the likely number of days you feel that the event will last and how many witnesses you intend to call.

J. APPLICATION FOR AN AWARD OF COSTS (see guidance for further information)

	YES	NO
Do you intend to submit a costs application with this appeal? <i>If yes, it must be submitted below</i>	☐	☒

K. Appeal Site Ownership Details (Part 1)

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal.

YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

Please read the guidance leaflet 'How to complete your planning appeal form' if in doubt.

*Please tick **ONE** box only*

CERTIFICATE A (If you are the sole owner of the whole appeal site, certificate A will apply)



I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see the guidance leaflet for a definition) of any part of the land to which the appeal relates

OR

CERTIFICATE B



I certify that the appellant (or the agent) has given the requisite notice (see the guidance leaflet) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see the guidance leaflet for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's Name	Date the notice was served

Please supply owner's address(es) on personal details page

CERTIFICATES C and D



If you do not know who owns all or part of the appeal site, complete either Certificate **C** or Certificate **D** at Annexe 1 of our guidance and attach it to the appeal form.

K. Appeal Site Ownership Details (Part 2) - AGRICULTURAL HOLDINGS CERTIFICATE
(this must be completed for all appeals)

We also need to know either the appeal site forms part of an agricultural holding.

Please tick either (a) or (b).

a	None of the land to which the appeal relates is, or is part of, an agricultural holding	☒
bi	The appeal site is, or is part of an agricultural holding, and the appellant is the sole agricultural tenant	☐
bii	The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:	☐

Tenant's Name	Date the notice was served

Please supply Tenant's address(es) on personal details page

L. Essential supporting documents

The documents listed in 1–6 below, must be sent with your appeal form; 7-12 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it.

Please tick the boxes to show which documents you are enclosing.



1	A copy of the original planning application sent to the LPA	☒
2	A copy of the site ownership certificate and ownership details submitted to the LPA at application stage (this is usually part of the LPA's planning application form).	☒
3	A copy of the LPA's decision notice (if issued).	☒
4	A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded in blue.	☒
5	A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.	☒
6	A list (stating drawing numbers) and copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).	☒
7	A copy of the Design and Access Statement (if required).	☒
8	Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers below:	☒
9	Any relevant correspondence with the LPA.	☒
10	If the appeal is against the LPA's refusal or failure to approve the matters resolved under an outline permission, please enclose:	☒
a	the relevant outline application;	☒
b	all plans sent at outline application stage;	☒
c	the original outline planning permission;	☒
11	The appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the original permission with the condition attached.	☒
12	If the appeal is against the LPA's failure to decide an application please supply a copy of the LPA's letter registering your application.	☒
13	A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).	☒