

Reference: PG/2014/0031

Site/Land (a) Land at Wood View, Fenns Bank Road, Whitchurch

Date Issued (c) 26 July 2017

Date Served (d) 26/07/2017

Alleged Breach (e)

Allegation -

Without planning permission, the erection of wooden stables, agricultural buildings and a plastic polytunnel.

Reasons -

It appears to the Council that the above breach of planning control has occurred within the last 4 years.

As the site is located within the designated Fenns, Whixall, Bettisfield, Wem and Cadney Mosses SAC and SSSI, development within this location is unacceptable.

The land which the development has taken place measures 1.9 hectares and therefore the buildings erected are not permitted under the Town and Country (General Permitted Development) Order 1995 (as amended).

The erection of the buildings and structures on the site has resulted in the intensification of the agricultural operation, which in the long term will have an adverse impact upon the management and integrity of the SAC and SSSI by the increase in levels of nitrates affecting the ecosystem of the protected site. The agricultural buildings are isolated buildings, not forming part of an existing farm complex and no essential agricultural need has been demonstrated for the requirement of the buildings in this location.

The buildings are therefore contrary to Policies EC3 and EC6 of the Wrexham Unitary Development Plan

The Council does not consider that planning permission should be given as planning conditions could not overcome these objections.

Date Notice
Takes effect (f) 30 August 2017

Appeal Lodged (g)

Notice Complied with (i)

Notes inc. stop Notice (h)
Requirements

Permanently remove the wooden stables, agricultural buildings and polytunnel from the land edged red

Period for Compliance:

3 months from the date the Notice takes effect

Mr Paul Trevor Martin
Wood View,
Fenns Bank Road
Whitchurch,
SY13 3PD

Your Ref/Eich Cyf
Our Ref/Ein Cyf
Date/Dyddiad
Ask for/Gofynner am
Contact No/Rhif Cyswllt
E-mail/E-bost

AR/026109
26 July 2017
Aled Rowlands
01978 292231
aled.rowlands@wrexham.gov.uk

By First Class Post

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir,

Town and Country Planning Act 1990 (as amended)

Enforcement Notice 2 – Land at Wood View, Fenns Bank Road, Whitchurch, Wrexham, SY13 3PD

Without planning permission, the erection of wooden stables, agricultural buildings and a plastic polytunnel.

The Council has issued an Enforcement Notice relating to the above-mentioned breach of planning control and I am now issuing you with a copy of that notice.

Unless an appeal is made to the Planning Inspectorate for Wales and is received by them **before the 30 August 2017**, the Notice will take effect and cannot be further challenged. You must then ensure that the steps referred to in the Notice are complied with.

If you wish to make an appeal against this Notice, you should first read the guidance entitled "Enforcement Appeals - How to complete your Appeal Form" which is available on the Welsh Government website on:

gov.wales/topics/planning/appeals/appeal-guidance-and-information/enforcement-appeals.

You or your agent should then complete the online appeal form which is again available via the same website. Your appeal **must** be received by the Welsh Government **before the 30 August 2017**. If you decide to appeal you do not have to pay a fee **unless** you want your appeal to be considered under **Ground (a) - that planning permission should be granted (or that the condition or limitation referred to in the enforcement notice should be removed)**. If you appeal on ground (a) you should set out in detail why you think that permission should be granted.

If you were to appeal on ground (a) the fee would be £70. This must be paid to **both** the Council and to the Planning Inspectorate.



If you only appeal on ground (a) and you do not pay the fee, your appeal will lapse. This means that your appeal will end.

Information about fees is given in The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015; which contains the current fees payable.

You will see that the appeal guidance requests that copies of any appeal form and supporting documents should be sent to the Council as well as the Planning Inspectorate. Please address these to the Planning Control Manager, Planning and Environment Department, Wrexham County Borough Council, Lord Street, Wrexham, LL11 1LG.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Aled Rowlands', enclosed within a rectangular box.

Solicitor

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE 2

ISSUED BY: WREXHAM COUNTY BOROUGH COUNCIL (“the Council”)

- 1** **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control within paragraph (a) of Section 171A (1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of this Notice and the enclosure to which it refers contain important additional information.

2 **THE LAND TO WHICH THE NOTICES RELATES**

Land at Wood View, Fenns Wood, Fenns Bank, Wrexham, shown edged red on the plan attached.

3 **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the erection of wooden stables, agricultural buildings and a plastic polytunnel.

4 **REASONS FOR ISSUING THE NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last 4 years.

As the site is located within the designated Fenns, Whixall, Bettisfield, Wem and Cadney Mosses SAC and SSSI, development within this location is unacceptable.

The land upon which the development has taken place measures 1.9 hectares and therefore the buildings erected are not permitted under the Town and Country (General Permitted Development) Order 1995 (as amended).

The erection of the buildings and structures on the site has resulted in the intensification of the agricultural operation which, in the long term will have an adverse impact upon the management and integrity of the SAC and SSSI by the increase in levels of nitrates affecting the ecosystem of the protected site. The agricultural buildings are isolated building, not forming part of an existing farm complex and no essential agricultural need has been demonstrated for the requirement of the buildings in this location.

The buildings are therefore contrary to Policies EC3 and EC6 of the Wrexham Unitary Development Plan.

The Council does not consider that planning permission should be given as planning conditions could not overcome these objections.

5 WHAT YOU ARE REQUIRED TO DO

- (i) Permanently remove the wooden stables, agricultural buildings and polytunnel from the land edged red.

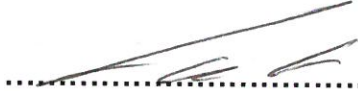
6 TIME FOR COMPLIANCE

3 months from the date that this Notice takes effect.

7 WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on the 30 day of August 2017 unless an appeal is made against it beforehand.

Dated 26 JULY 2017

Signed 
Lawrence Isted
Head of Environment and Planning
Abbey Road
Wrexham

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate for Wales **before** the date specified in paragraph 7 of the notice. The booklet “Making your appeal – How to complete your enforcement notice appeal form” sets out your rights and can be found on the Welsh Government website. The appeal form can be completed online on the planning portal website, Welsh site.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of this notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of this notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

