



Ein cyf/Our ref: qA2303335

David Horton
Appleton Deeley Planning and Landscape
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E-mail: davehorton4@gmail.com

28 July 2025

Dear David Horton,

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77
CALLED IN PLANNING APPLICATION FOR PROPOSED DEVELOPMENT OF 10
DWELLINGS AND ASSOCIATED LANDSCAPING WORKS AT GAMFORD HOUSE,
GAMFORD LANE, ROSSETT, WREXHAM, LL12 0EW**

**PEDW REFERENCE: CAS-03494-D4F5X8
APPLICATION REF: P/2023/0738**

1. Consideration has been given to the report of the Inspector, regarding your client's planning application, local planning authority reference: P/2023/0738.
2. On 4 June 2024, in accordance with Section 77 of the Town and Country Planning Act 1990 ("the 1990 Act"), the above named planning application was called in for decision by the Welsh Ministers. Under the provisions of the Government of Wales Act 2006, the power to determine applications under Section 77 of the 1990 Act has been transferred to the Welsh Ministers, these functions have been exercised by me as Cabinet Secretary for Economy, Energy and Planning.
3. The Inspector recommends planning permission be refused. A copy of the Inspector's report ("IR") is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Main Issues

4. The Inspector considers the main issues in this case are whether the proposed development should contribute towards affordable housing, whether the development conflicts with national and local policy designed to protect the countryside and promote sustainable development, the impact of the development on the character and appearance of the area, the impact of the proposed development on biodiversity and the integrity of the River Dee and Bala Lake SAC and whether the proposed development conflicts with Future Wales ("FW") Policy 22 regarding major development in Green Belt – Areas for Consideration. I agree with the Inspector that these are the main issues relating to the application. (IR 60)

Policy

5. The Inspector highlights that the adopted development plan for the area is usually FW and the Local Development Plan however notes that the adoption of Wrexham Local Development Plan 2013 to 2028 ("the LDP") was subject to legal challenge. The Inspector, not knowing what the position would be when the decision was made by the Welsh Ministers, helpfully set out the relevant policies of both the LDP, and those of the Wrexham Unitary Development Plan 1996 to 2011, adopted in 2005 ("the UDP") (IR 4-15). It has since transpired that the adopted development plan is FW and the UDP and I have taken these as my starting point in determining this application as planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. I do however agree with the Inspectors conclusions that such considerations include national policy and guidance issued in the 20 years since adoption of the UDP. Also, that whilst the unadopted LDP is not part of the development plan, the LDP policies have been subject to examination and found to be sound, and as such are a significant material consideration. (IR61-62)

Affordable Housing

6. The Inspector considers the evidence base supporting the LDP should be given more weight than UDP Policy H7. They highlight that LDP Policy H2 seeks contributions of affordable housing on developments of 10 or more units. No affordable housing is proposed on site and the Inspector considers that whilst the applicant states the payment of a commuted sum towards off-site provision of affordable housing was agreed, the magnitude of any contribution has not been agreed and no planning obligation has been submitted. Therefore, the Inspector states the proposed development conflicts with LDP Policy H2 and national policy set out in Planning Policy Wales ("PPW"). (IR 63-64)

Countryside/Sustainability

7. For the purposes of both the UDP and LDP the application site falls outside the defined settlement limit of Rossett and in the open countryside. Consistent with national policy, new residential development is directed to sites within settlement limits in UDP Policy PS1 and LDP Policy SP2. The Inspector notes that the proposed development is also not supported by UDP Policy H5 or LDP Policy H7 which set a limited number of circumstances where new residential development may be permitted outside settlement limits. (IR 66)
8. The Inspector states that the site is accessed by an unlit lane which is narrow in places and has no footway, therefore it is highly likely prospective residents would rely on the private car for trips to facilities. Whilst the site is previously developed land, PPW states that just because a site in the countryside constitutes previously

developed land this does not necessarily justify otherwise unsustainable development. The Inspector has been mindful that the proposed development is for zero carbon construction but notes that such development could and should take place within settlement limits. The proposed development conflicts with local and national policy which seeks to safeguard the countryside and promote sustainable development. (IR 67-69)

Character and appearance/Placemaking

9. The site lies in the open countryside and, although a recently permitted development extends the built settlement towards the application site, is in an area which is rural in character and appearance. The Inspector considers that regardless of the use of the buildings on site before they were vacated, the layout, form and appearance of the buildings is akin to a large farmstead commensurate with their rural setting. (IR 70)
10. The Inspector states that the proposed development would turn its back on Gamford Lane, except for the proposed bungalow, and would appear as an enclosed, internally facing enclave of housing, at odds with its rural surroundings. As such, the Inspector concludes the proposed development would have a detrimental impact on the character and appearance of the area and conflicts with Policies GDP1 and PS2 of the UDP, Policy DM1 of the LDP and the placemaking principles in PPW. (IR 71)

Biodiversity

11. The application was accompanied by a Preliminary Ecological Appraisal conducted in 2023, both Natural Resources Wales ("NRW") and the Council's Ecologist recommended further surveys were required and that the survey information submitted was inadequate. The Inspector states that no further surveys have been submitted, and in the absence of adequate surveys they cannot be certain the development would not have an adverse impact on protected species. The application therefore conflicts with UDP Policy E6, LDP policies SP14 and NE1 and national policy set out in PPW and TAN5. (IR 72-73)

River Dee and Bala Lake SAC

12. The application site is within the catchment of the River Dee and Bala Lake SAC, which the Inspector notes is failing in regard to water quality targets for phosphorus. Based on the evidence presented, the Inspector states they cannot conclude that the proposed development would not have an adverse impact on the integrity of the SAC. (IR 74-77)

Green Barrier/Green Belt Areas for Consideration

13. The site lies within a Green Barrier identified in UDP Policy EC1 although the Inspector gives this limited weight. However, the Inspector notes the site is within an area FW has identified as suitable for Green Belt. Policy 22 of FW states it is for a Strategic Development Plan ("SDP") to identify a green belt around Wrexham and Deeside. Policy 22 of FW also states that development management decisions should not permit major developments in the areas shown for consideration for green belts, except in very exceptional circumstances, until the need for green belts has been established by an adopted SDP. The Inspector states very exceptional circumstances have not been demonstrated and therefore the proposed development conflicts with FW Policy 22. (IR 78-80)

Other material considerations

14. The Inspector has regard to other material considerations in relation to the application. One material consideration is the potential resumption of lawful uses on the site. Residents expressed concern that this would have an adverse impact on their living conditions. Whilst the site has a lawful use for agricultural, Class B2, Class B8, haulage operator's yard, and haulage business, along with an ancillary HGV maintenance depot, the Inspector considers that the conversion of the existing buildings for the potential resumption of lawful uses is unlikely. Any new build for commercial use would require planning permission which would be subject to a separate planning application process, and the Inspector therefore gives little weight to the potential resumption of lawful uses on the site. (IR 81-83)
15. The Inspector also notes that there has been consistent failure to meet the unadopted LDP housing trajectory but considers that the modest contribution of 10 dwellings does not outweigh the significant policy conflict and harm identified. (IR 84)

Inspector's Conclusions

16. The site lies outside the settlement boundary of Rossett as defined in the adopted UDP, in an unsustainable location, and the proposed development is not of a type deemed acceptable in the countryside according to national and local policy. (IR 87)
17. The proposed development would have a detrimental impact on the character and appearance of the area. Whilst there is a recognised need for affordable housing, none is proposed on site nor is there a mechanism before the Welsh Ministers that would provide a contribution. (IR 88)
18. Insufficient ecological information has been submitted regarding the effect of the proposed development on protected species and the proposed development is likely to have an adverse impact on the River Dee and Bala Lake SAC. The site lies in a Green Belt Area for Consideration wherein major development may only be permitted in very exceptional circumstances which have not been demonstrated by the application. (IR 89)
19. The Inspector does not consider that the potential impact of the reuse of the site for industrial or commercial use outweighs the conflict with national and local policy identified above. (IR 90)
20. The Inspector recommends the application for planning permission is refused. (IR 91)

Formal Decision

21. I agree with the Inspector's reasoning and conclusions. For the reasons set out in the Inspector's report, and in exercise of the power referred to in paragraph two of this decision letter, I hereby refuse planning permission for planning application P/2023/0738.

Well-being of Future Generations (Wales) Act 2015 ("WFG Act")

22. In reaching this decision I note the Welsh Ministers must, in accordance with the WFG Act, carry out sustainable development. This includes taking all reasonable steps to meet their well-being objectives. I have taken into account the ways of working set out at section 5(2) of the WFG Act and 'SPSF1: Core Guidance, Shared Purpose: Shared

Future – Statutory Guidance on the WFG Act'. My assessment against each of the ways of working is set out below:

Looking to the long-term

23. The decision takes account of the need to create sustainable developments for the long-term.

Involving people/Collaborating with others

24. Within the framework of a statutory decision-making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

Taking an integrated approach

25. The decision has taken account of the development plan and its integration of economic, social and environmental strands across spatial scales.

Prevention

26. The decision would prevent unsustainable development being undertaken which would undermine the placemaking principles in PPW.

Reasonable steps

27. I have considered whether, having regard to the Welsh Ministers' wellbeing duty, it would be reasonable to take a different decision. I note the alternative decision would be to grant planning permission for the development. This would negatively impact on the objective to "Make out cities, towns and villages even better places in which to live and work". The effect of this alternative decision on the other objectives would be neutral. Consequently, I consider that the decision to refuse planning permission is a reasonable step in meeting the Welsh Ministers' well-being objectives.
28. A copy of this letter has been sent to Wrexham County Borough Council.

Yours sincerely,



Rebecca Evans AS/MS

Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio