10 March 2026

2019.105_03

Wrexham County Borough Council

Planning Service,

16 Lord Street,

Wrexham,

LL11 1LG

Dear Sir/Madam,

Application to vary Condition 1 of planning permission reference RUAP/2020/0576 to allow an extended period for the commencement of development at James' Farm, Ruabon.

This cover letter accompanies an application submitted to Wrexham County Borough Council (the Local Planning Authority) to vary a condition attached to planning permission reference RUAP/2020/0576. The permission relates to the conversion of outbuildings into five residential dwellings, including the creation of associated amenity space and parking at James' Farm, Ruabon, Wrexham, LL14 6DW.

The application seeks to vary the wording of condition one of planning permission RUAP/2020/0576 to allow the commencement of development no later than 24/03/2029, which represents an extension to the current time period of three years.

Background

Planning permission was granted on the 24th March 2021 by Wrexham County Borough Council for the conversion of outbuildings into 5 dwellings at James' Farm, Ruabon. Within the decision notice for this permission, there were multiple conditions which required additional information to be submitted to and approved by the Local Planning Authority (LPA) before any works or commencement of development, specifically conditions 9 (photographic survey), 10 (air quality assessment) and 12 (Conservation plan). As such, these conditions would need to be discharged before works could commence on site, which would effectively safeguard the consent beyond the time period stipulated under Condition 1.

Due to various unforeseen circumstances, the applicant has been unable to commission the necessary additional work and therefore provide the relevant information to satisfy these conditions, until recently. As personal circumstances changed, the applicant instructed that

these additional documents be produced and subsequent applications be submitted to discharge these conditions. Due to condition 1, planning permission must be implemented by 23/03/2026. Therefore, there was significant time pressure to provide the relevant material to satisfy these conditions.

After submitting two discharge of condition applications (application refs P/2026/0045 and P/2026/0066) providing the appropriate information to discharge all three relevant conditions, it came to light that NRW had raised issues with phosphate levels within the River Dee SAC. Due to the site's location within the catchment area for the SAC, and the potential for new developments to increase pollution levels within the river, it was advised that an application to discharge these conditions could not be positively determined. Reference was drawn to relevant case law from the Supreme Court's judgement in C G Fry & Son Limited v Secretary of State for Housing, Communities and Local Government [2025] UKSC 35. The implication of this case, as outlined by the Planning Officer in email correspondence, is that where an application relates to an implementing decision under a planning permission, a HRA must be carried out, even though planning permission has already been granted for the dwellings. They also noted that any HRA would not likely have a favourable conclusion in this case.

Proposal

Due to the situation outlined above, and as recommended by the Officer, we are seeking to amend the wording of Condition 1 to allow for an extended period of time for development to commence, in turn allowing sufficient time for the issue relating to pollutant levels with the River Dee SAC to be resolved.

Due to this exceptional circumstance, with the River Dee SAC failing to meet required pollutant levels which is wholly outside of the applicant's control, it is considered that it would be reasonable to provide an extension of three years for development to commence. It is also worth noting that both discharge of condition applications remain live and could continue to be held by the LPA, and once NRW confirm that the SAC has reached satisfactory levels for pollution those applications could then be determined. Neither has had any issues raised by external consultees, other than NRW. Therefore, the three-year time period would not be used by the applicant to provide any additional information but solely to allow NRW to resolve the issues within the SAC, and it is considered unlikely that the full three-year period will be required, but would provide a sufficient buffer should the SAC prove to continue to fail in future.

Cadnant Planning Ltd Company Registered in England & Wales No. 07955299
VAT Registration No.132747516
RTPI

Conclusion

In light of the above, we consider that there is a justifiable reason for this application to be granted and the wording of Condition 1 of planning permission RUAP/2020/0576 be amended to allow for a three-year time extension for the commencement of development as to ensure that this existing consent is not lost and is able to be implemented in future. Without the granting of this application, it is highly likely that development would not be able to commence prior to required date and this permission would therefore be lost.

We look forward to hearing from you.

Yours sincerely,

Jack Lally
Planning Assistant
01492 581800
jack.lally@cadnantplanning.co.uk

Cadnant Planning Ltd Company Registered in England & Wales No. 07955299
VAT Registration No.132747516