

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant MR MARTINEZ

Reference P/2023/0341

Agent ROGER PARRY &
PARTNERS LLP MR
GERALLT DAVIES
The Estate Office
20 Salop Road
Oswestry
SY11 2NU

Date Received 07/03/2023

Decision Date 11/05/2026

Town and Country Planning Act, 1990

Location of Application

LAND AT HIGHER LANES ISCOYD WHITCHURCH SY13 3AZ

Description of Application

(AMLINELLIAD) CODI ANNEDD MENTERGARWCH GWLEDIG A GWAITH
CYSYLLTIEDIG (RHAI MATERION WEDI'U CADW YN ÔL)

(OUTLINE) ERECTION OF RURAL ENTERPRISE DWELLING AND ASSOCIATED
WORKS (SOME MATTERS RESERVED)

In reaching this decision the Council has had regard to the following relevant policies: -

Development Plan Policies:

EC14 - Protection of Controlled Waters
EC6 - Biodiversity Conservation
GDP 1- Development Objectives
H5 - Housing in the Countryside
PS1 - Broad Location of Development
PS 11 - Biodiversity
PS2 - Broad Location of Development
PS 3 - Broad Location of Development
PS4 - Broad Location of Development
T8 - Parking

Revision	Date	Description of Decision
0	11/05/2026	Planning permission issued

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Particulars of decision : GRANTED subject to the following:-

Condition(s)

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
4. The occupancy of the dwelling hereby approved shall be restricted to:
 - a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or, if it can be demonstrated that there are no such eligible occupiers,
 - b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

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5. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):

In respect of the proposed means of vehicular access as shown in Location Plan MART004 GD 75026 001 C

In respect of the proposed means of vehicular access as shown in Amended Block Plan GD 75026 003 D

'Isherwood, M., September 2023, Preliminary Ecological Appraisal, Land at High Lanes, Arbor Vitae Environment Ltd'

6. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, and D of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no extensions shall take place to the dwelling hereby approved.
7. Notwithstanding the details included within the Preliminary Ecology Appraisal (September 2023), development shall not commence until a revised scheme of RAMs is submitted and approved which shall include the provision for one-way amphibian fencing in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved RAMs scheme.

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8. No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with Method Statement as is approved. The Method Statement shall include the following:
 - 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - 2) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - 3) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
 - 4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - 5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
 - 6) Method for protecting retained trees during demolition works;
 - 7) Details of all proposed tree works, including felling and pruning.

9. As part of the approval of Reserved Matters a plan shall be submitted to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped has been submitted to, and approved in writing by, the Local Planning Authority. The measures shall be implemented in full, prior to first occupation / use of the development, and thereafter maintained for the lifetime of the development.

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10. No external illumination within the site shall take place before a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. The lighting scheme shall be installed and operated in accordance with the approved details. No other lighting shall be used on any external part of the development.
11. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 10 metres behind the adjoining highway.
12. There shall be no gates or other means of enclosure across the vehicular access point within 10 metres of the highway boundary.
13. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development and thereafter permanently retained.

Reason(s)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
2. To comply with Section 92 of the Town and Country Planning Act, 1990.
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4. To ensure that the dwelling is only occupied by a rural enterprise worker or the widow, widower or surviving civil partner of such a person, and to any resident dependants or someone who qualifies for affordable housing, a widow, widower or surviving civil partner of such a person, and to any resident dependants in accordance with Policies GDP1 and H5 of the Wrexham Unitary Development Plan.
5. To comply with Section 71ZA(2) of the Town and Country Planning Act, 1990.
6. In the interests of protecting the character and appearance of the dwelling and the surrounding area in accordance with UDP policies GDP1 and EC5.
7. In order to protect wildlife interests in accordance with Policies GDP1, PS11, EC4, EC5 and EC6 of the Wrexham Unitary Development Plan.
8. To preserve the health, safety and amenity value of the tree(s) in accordance with Policies GDP1, PS11, EC4, EC5 and EC6 of the Wrexham Unitary Development Plan.
9. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.
10. In order to protect wildlife interests in accordance with Policies GDP1, PS11, EC4, EC5 and EC6 of the Wrexham Unitary Development Plan.
11. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with UDP policy GDP1.

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12. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access in accordance with UDP policy GDP1.
13. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

Note(s) to applicant

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

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Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

Ian Jones

Prif Swyddog Dros Dro Yr Economi a Chynllunio
Interim Chief Officer Economy and Planning

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

[Planning and building control | Wrexham County Borough Council](#)