



Appeal Decision

by Mr Anthony Thickett BA(HONS) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 05/08/2026

Appeal reference: CAS-02081-S0L3B8 & CAS-01840-M4B7T8

Site address: Land to the south of, The Old Black Horse Public House, High Street,
Rhostyllen, Wrexham, LL14 4AG

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to approve details required by a condition of a planning permission.
 - The appeals are made by Mr P Bignell against the decision of Wrexham County Borough Council.
 - The application Ref P/2022/0042, dated 12 January 2022, sought approval of details pursuant to condition 7 of planning permission Ref P/2016/0809 granted on 6 July 2017.
 - The application Ref P/2021/0521, dated 18 May 2021, sought approval of details pursuant to condition 9 of planning permission Ref P/2016/0809 granted on 6 July 2017.
 - The development proposed is 3 dwellings.
 - The conditions are set out in in Appendix A.
 - A site visit was made on 22 July 2026.
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Decision

1. The appeals are invalid.

Procedural Matters

2. In response to a request for comment on whether the appeals were valid, the appellant stated he no longer owns the appeal site. He provided the name of the new owner and details of the administrators through whom to make contact. No response was received to a request to the administrators to invite the new owner to contact PEDW.

Reasons

3. The question of the appeals being valid depends on whether conditions 1 and 7 of the outline planning permission are conditions precedent. To be a condition precedent a condition must (i) prohibit the commencement of development until a requirement has been met and, (ii) have such significance that it goes to the heart of the planning permission. Implementing development prior to a condition precedent being discharged renders commencement of development unlawful and the works carried out may invalidate the planning permission.

4. Condition 1 of the outline planning permission required the approval of layout, scale, appearance and landscaping before any part of the development was commenced. The layout, scale, appearance of the proposed dwellings and the landscaping of the site are integral to placemaking and these details are essential to consider the effect the proposal would have on its surroundings. I consider these are significant matters which go to the heart of the planning permission.
5. Condition 7 requires a scheme for drainage of the site to be submitted to and approved in writing by the Council before development commences. The reason given for imposing the condition was: *'To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.'* Avoiding drainage from the proposed development harming the environment, particularly as the site is in the catchment area of the River Dee and Bala Lake Special Area of Conservation, is a significant matter which, I consider, goes to the heart of the planning permission. Conditions 1 and 7 are conditions precedent.
6. Outline planning permission was granted on 6 February 2017. Condition 2 required the submission of reserved matters before the expiry of 3 years from the date of the outline planning permission (6 February 2020). Condition 3 required commencement of development within 5 years of the date of the outline planning permission or within two years from the date of approval of the last reserved matter, whichever is the later.
7. I am not aware of any reserved matters being approved by the Council. The application to discharge condition 7 was dated 12 January 2022 and refused on 14 July 2022.
8. It is agreed the excavation of a trench on 25 July 2022 constituted commencement of development. Works started before conditions precedent were discharged and commencement of the development was, therefore, unlawful. Further, planning permission lapsed on 6 February 2022, there is therefore no outline planning permission and no conditions to be discharged.

Conclusion

9. The appeals are invalid and no further action will be taken.

A Thickett

Inspector

Appendix A

7. 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 a timescale to be agreed as part of the submitted details and maintained thereafter.

Reason: To ensure effective drainage facilities are provided for the proposed development and that no adverse impacts occur to the environment or the existing sewage system.

9. The existing westerly vehicular access shall be permanently closed up prior to first use of any part of the development in accordance with a specification of works which has been submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application.

Reason: In the interests of highway safety.