



Appeal Decisions

by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 01/04/2026

Appeal A Ref. CAS-04496-H0D2K4

Site Address: Chapel Farm Meadows, Whitewell, Whitchurch, Wrexham, SY13 3AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gerald Cartwright against the decision of Wrexham County Borough Council.
 - The application Ref. P/2024/0086 dated 25 January 2024, was refused by notice on 21 January 2025.
 - The development proposed is the replacement of toilet block with utility building and associated works.
 - A site visit was made on 21 January 2026.
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Appeal B Ref. CAS-04499-Z6D9T1

Site Address: Chapel Farm Meadows, Whitewell, Whitchurch, Wrexham, SY13 3AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Gerald Cartwright against the decision of Wrexham County Borough Council.
- The application Ref. P/2024/0087, dated 25 January 2024, was refused by notice dated 21 January 2025.
- The application sought planning permission to: Vary condition 7 of planning permission BRN P/2021/0640 to increase number of caravans from 5 to 8.
- The condition in dispute is No 7 which states that: Notwithstanding drawing no. 20_1124_003 Rev D there shall be no more than 5 no. 4 person holiday touring caravans on the land at any one time.

- The reason given for the condition is: To safeguard the integrity of the River Dee SAC in accordance with policy EC6 of the Wrexham Unitary Development Plan.
 - A site visit was made on 21 January 2026.
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Decision

Appeal A Ref. CAS-04496-H0D2K4

1. The appeal is dismissed.

Appeal B Ref. CAS-04499-Z6D9T1

2. The appeal is dismissed.

Procedural Matters

3. There is no decision date on the notice of decision in relation to planning application P/2024/0086. However, from the evidence before me, I am satisfied the notice was issued on 21 January 2025.
4. As set out above, there are two appeals at the appeal site. Whilst I shall consider each case on its own particular merits, to avoid duplication, I shall deal with the two appeals together in this single document, albeit with separate formal decisions.
5. Planning permission was granted on the appeal site in 2021, under reference BRN P/2021/0640, for the change of use of agricultural land to a caravan site and associated works (the planning permission). The approved layout showed 8 pitches, which were in place at the time of my site visit. Two timber structures and a small toilet cubicle were also on site. A track led off the caravan pitch access loop eastwards towards adjoining land. However, I have considered the appeals on the basis of the details forming part of the applications as submitted, and as considered by the Council.
6. The Council's reasons for refusal allege conflict with policies in the Local Development Plan (LDP). Following a Direction from Welsh Ministers the Council has withdrawn the LDP. Consequently, the development plan comprises Future Wales and the Wrexham Unitary Development Plan 1996-2011, adopted 2005 (UDP). The Council has indicated the UDP with which it considers the proposed development conflicts and all parties have had the opportunity to comment.

Main Issues

7. The Council's sole reason for refusal in each case was that it considered insufficient information had been submitted to demonstrate that the proposed development would not result in an increase in phosphate levels to the River Dee and Bala Lake Special Area of Conservation ('the SAC'), which is part of the UK National Site Network. There is no other matter at dispute between the parties. The main issue is the same for each appeal. In each case, it is the effect of the proposed development on the River Dee and Bala Lake Special Area of Conservation (SAC).

Reasons

8. The appeal site is located in a countryside location fronting Whitewell Road, some 3 miles west of Whitchurch, and within the catchment of the SAC. UDP Policy EC6 says amongst other things that development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development

outweighs the need to safeguard the intrinsic nature conservation value of the site.

Planning Policy Wales (Edition 12) PPW states that all designated sites must be able to continue to protect the biodiversity and features for which they were designated and contribute to the resilience of ecosystems at the appropriate scale. This ability should not be compromised by inappropriate development or other activity.

9. Natural Resources Wales (NRW) sets conservation objectives for the SAC, including phosphorus targets. In 2021, it published the results of its Compliance Assessment of Welsh River Special Areas of Conservation against Phosphorus Targets. These results indicate that sections of the SAC are failing to meet water quality targets in relation to phosphorus.
10. There is no dispute between the parties that the appeal site could not reasonably be served by mains drainage facilities. The planning permission for touring caravan development included the use of an existing timber building to provide on-site amenities which would drain to a private treatment plant and associated drainage field, located approximately 120m from the nearest watercourse. This watercourse lies within the catchment of the Chester Weir to Ceiriog waterbody which is failing to meet its phosphate target. Natural Resources Wales (NRW) advises that activities such as the discharge of treated wastewater can elevate levels of phosphorus in rivers, the effects of which can cause significant ecological damage. It would be necessary to find that the proposal would not result in an increase in phosphates entering the SAC to conclude that it would not have a likely significant effect on the SAC site's integrity.
11. Albeit the planning permission allows 8 touring caravan pitches, to overcome the Council's concerns regarding the intended development's effect on the SAC through increased phosphates as a result of foul water discharges, condition No 7 of the planning permission limits the number of caravans permitted to be present at any one time to no more than 5 (4-berth) holiday touring caravans. The Council equates this to a maximum occupancy at any one time of some 20 people.
12. The Appeal A proposal seeks to replace the existing timber building toilet block with a more efficient and sustainable structure which would contain a full range, but limited number, of shared facilities. The Council raises no objection to the building's form or design and from the evidence before me and my own observations during my site visit, I have no reason to disagree. The appellant asserts that as the available facilities would be reduced by the Appeal A proposal to a single person access facility, the discharges to ground would be reduced below already permitted levels. This would enable all the 8 permitted pitches to be occupied without increasing foul flows. Accordingly, there would be no likely significant effect on the SAC from the Appeal B proposal.
13. However, for the reasons set out in the attached Habitats Regulations Assessment (HRA), I am unable to conclude beyond reasonable scientific doubt that the Appeal A and Appeal B schemes would not have a significant adverse effect on the integrity of the SAC. Whilst I have taken into account the viability of the site and the appellant's desire to attract visitors to support its economic and social contribution, the harm likely to arise to the SAC provides compelling grounds to dismiss the appeals.
14. I conclude that the proposals would be likely to have a harmful effect on the integrity of the River Dee and Bala Lake Special Area of Conservation (SAC). The proposals would therefore conflict with UDP Policy GDP1 which requires all new development, amongst other things, to safeguard sites and areas of nature conservation interest and the advice on the protection of the National Site Network in Planning Policy Wales (Edition 12) and UDP Policy EC6.

Other Matters

15. The appeal site is 2.5km from the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) Special Area of Conservation (Fenn SAC) which is a large lowland raised bog that straddles the English/Welsh border. NRW confirms that there is no hydrological link between the site and the Fenn SAC. Accordingly, there would be no likely significant effect from the appeal proposals on the Fenn SAC which has therefore been screened out of HRA.
16. I have had regard to representations received in response to the appeals in relation to effects on the living conditions of neighbouring occupiers, alleged residential uses at the appeal site and alleged failure to adhere to conditions of the previous consent. Planning permission has been given for the use of the site and given my conclusions on the main issues, there would be no alteration to this use. The Council is empowered to take any action it considers necessary in relation to any alleged unauthorised uses or other alleged breaches of planning control.

Conclusion Appeal A

17. For the reasons given above, and having taken all matters into account, the appeal is dismissed.

Conclusion Appeal B

18. For the reasons given above, and having taken all matters into account, the appeal is dismissed.
19. In reaching my decisions, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

N Jones

INSPECTOR

Annex: Habitats Regulations Assessment

Preliminary Matters

1. In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Regulations'), the purpose of this Habitats Regulations Assessment (HRA) is to consider and if necessary report on the impacts of the schemes on the River Dee and Bala Lake Special Area of Conservation (the SAC), which is part of the UK National Site Network. As required by Regulation 63(3) of the Regulations I have had regard to the comments of Natural Resources Wales (NRW) provided to the Council and to Planning and Environment Decisions Wales.
2. To undertake an HRA under the Regulations to consider effects on the SAC, I must firstly identify the relevant plan or project. I must then undertake a test of likely significant effects (LSE) from that plan or project, whether alone, or in combination with other plans or projects, on the SAC. If this screening concludes that likely significant effects can be ruled out, no further assessment is required. Where likely significant effects cannot be ruled out, I must undertake an Appropriate Assessment (AA) in order to assess the implications for the SAC in view of that site's conservation objectives and thereby determine whether the proposal could have an adverse effect on the integrity of the site. I must consider any proposed mitigation at this stage in reaching my conclusions.

The plan or project

3. Planning permission was granted on the appeal site in 2021, under reference BRN P/2021/0640, for the change of use of agricultural land to a caravan site and associated works (the planning permission). Albeit 8 touring caravan pitches were proposed and approved, to overcome the Council's concerns regarding the intended development's effect on the SAC through increased phosphates as a result of foul water discharges, condition No 7 of the planning permission limits the number of caravans permitted to be present at any one time to no more than 5 (4 berth) holiday touring caravans.
4. Two separate applications were submitted to the Council on the 25 January 2024. One (ref. P/2024/0086) (Appeal A) proposed a utility building and the other (ref. P/2024/0087) (Appeal B) sought to vary condition No 7 of the planning permission in order to increase caravan numbers. However, the appellant confirmed to the Council that the "applications are linked as one application for the toilets provides a reduced facility which the (sic) facilitates the increase in the number of caravans due to the lower discharge previously permitted and the only reason given for the reduction on the current consent". The appellant also directs that the appeal statements in both cases should be read together and identical arguments are made in each case that the reduced facilities and controls on their use proposed in the Appeal A proposal utility building would achieve a reduction in already permitted foul discharges despite the intended increase in the number of caravans sought under Appeal B. Albeit two separate planning applications were made, with the Council's refusal of those applications leading to two appeals, I consider that the proposals are functionally linked. The utility block change is being used to justify an increase in caravans, forming a single overall development concept. Accordingly, I consider they form one plan or project for HRA purposes.
5. Albeit it is not the stated intention, I recognise that the Appeal A proposal facilities could be provided irrespective of whether there was an increase in caravan numbers under Appeal B. Even so, if considered as a plan or project in its own right, I must consider any likely significant effects on the SAC of that proposal alone, or in combination with other plans and projects. The Appeal B project would give rise to in-combination effects.

Screening

6. The screening process applies to developments within river SAC water body catchments and non-SAC tributaries flowing into them.
7. The entry in the register of National Site Network sites for Wales identifies the habitat and species that are the primary reason for the SAC's designation as water courses of plain to montane levels within the *Ranunculus fluitans* and *Callitriche-Batrachium* vegetation, Atlantic salmon, and floating water-plantain. Present as qualifying features of the SAC are Sea lamprey, Brook lamprey, River lamprey, Bullhead and otter. The SAC Core Management Plan (CMP) sets out the vision and conservation objectives for the SAC. The effect of a project is considered significant if it would undermine the conservation objectives of the SAC and is assessed against the prevailing environmental conditions of the SAC.
8. The existing touring caravan development drains to a private treatment plant and associated drainage field, located approximately 120m from the nearest watercourse. This watercourse lies within the catchment of the Chester Weir to Ceiriog waterbody which is failing to meet its phosphate target. NRW advises that elevated levels of phosphorus in rivers can cause significant ecological damage. It would be necessary to find that the appeal proposals would not result in an increase in phosphates entering the SAC to conclude that they would not have a likely significant effect on the SAC site's integrity.
9. NRW advises that where private treatment systems can be justified, small discharges to ground (<2m³/day) via a suitable drainage field are considered unlikely to have a pathway for nutrients to enter the river environment and are unlikely to have a significant effect on a SAC. It advises that such developments can be screened out of an HRA. However, larger discharges to ground will need to be subject to an AA.
10. I note the Council's concerns that the appeal site should be assessed as a serviced site given the range of facilities as proposed. However, the intended facilities are limited and would be shared by all site-users, as opposed to static caravan site pitches for instance which would generally be individually serviced with all amenities. Irrespective of the disagreement between the parties regarding the amount and configuration of facilities within the planning permission toilet block, flows from the development were calculated based on it being a non-serviced site assessed in accordance with the British Water Code of Practice 'Flows and Loads – 4: Sizing Criteria, Treatment Capacity for Sewage Treatment Systems' (CoP). The CoP indicates loads for non-serviced sites would be 100 litres per person per day. These calculations for flow correspond with NRW's calculations in its letter dated 14 March 2024 (NRW's letter) in relation to Appeal B and also correspond with the Council's calculation that the effect of disputed condition No 7 of the planning permission is to allow a maximum of 20 persons at the caravan site at any one time to ensure a maximum daily discharge rate not exceeding 2m³, based upon a flow of 100L per person.
11. The appellant asserts that the project would reduce the planning permission facilities by 75% with the utility building providing only 1 WC and basin, a bath and shower, a sink and washing machine. Based on 100 litres per person, the flow would be 800 litres or 0.8 m³ daily flow, significantly less than NRW's advised acceptable limit. Moreover, the 18.10 m³ /day calculation for wastewater flows from the treatment plant to a soakaway for the appeal proposals would be less than the design discharge rate of 0.31 litres per second or 27.19 m³ per day of the already permitted private treatment plant under condition No 15 of the planning permission. Consequently, there would be no likely significant effect on the SAC. To the contrary, the project would reduce overall flows from the site.

12. CoP guidance indicates that total daily loadings are calculated based on the anticipated final maximum capacity of the site. However, the appellant's calculations are made on the premise that users would be limited to no more than 8 persons per day. To mitigate the effects from full use by the occupiers of 8 caravans, or about 32 persons, (which NRW's letter calculates to be a flow of 3.2 m³ per day), the appellant indicates that the external utility building door would be locked to control and limit its use. Nonetheless, at the screening stage, whilst integral design features can be taken into account, it is not appropriate to take account of measures intended to avoid or reduce the harmful effects of the plan or project on the SAC, including those that would be secured by planning conditions.
13. Appeal B seeks to increase the number of caravans at the site, equating to some 32 people at the site at any one time. Given this number of users, wastewater flows generated by the appeal project would significantly exceed the anticipated flow from a 5-caravan site, and the <2m³/day screening threshold advised by NRW.
14. The appeal site is already served by a cesspool arrangement which also allows waste to be collected from the 5 permitted caravans. Although I note its capacity of just over 9000 litres, I have been presented with no calculations of waste volumes being disposed of to the cesspool arising as a result of the permitted 5 caravan units. Nonetheless, an increase in caravan numbers would also be likely to increase the loading on this facility. Waste from the cesspool would be required to be removed by a licenced waste carrier for disposal at a permitted wastewater treatment facility. I cannot therefore rule out a pathway for effects on the SAC through disposal at a wastewater treatment facility in the locality discharging into the SAC.
15. Accordingly, I cannot rule out likely significant effects from the project on the integrity of the SAC. Even when considered separately, I cannot rule out likely significant effects from either the Appeal A proposal or the Appeal B proposal, or by taking into account in combination effects.
16. NRW advise that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Likely significant effects from the project on the River Dee and Bala Lake SAC cannot therefore be ruled out as the project is a source of additional wastewater and phosphorus with a pathway for impacts on the SAC. Accordingly, an AA is necessary.

Appropriate Assessment

17. In accordance with Regulation 63 of the Regulations, the purpose of this Appropriate Assessment (AA) is to report on the impacts of the scheme on the River Dee and Bala Lake Special Area of Conservation (the SAC), which is part of the UK National Site Network. As required by Regulation 63(3) of the Regulations I have had regard to the comments of Natural Resources Wales (NRW) provided to the Council and to Planning and Environment Decisions Wales.
18. The SAC CMP sets out the vision for the site that it is maintained at, or where necessary restored to, high ecological status with all its features at favourable conservation status (FCS). As it acknowledges that water is fundamental to a riverine SAC, its vision includes that the quality of water, amongst other matters, 'will be maintained or adjusted to a level necessary to maintain the features in favourable condition for the foreseeable future'. The CMP also sets out the conservation objectives for the SAC to ensure the vision is achieved. Although not itself a designated feature, the ecological status of the river is recognised as a major factor in determining FCS for all the site features. For the river to achieve FCS, ten listed objectives must be met, including no deterioration in water quality

and levels of nutrients, including phosphates, will be kept below agreed levels.

Conservation objectives for many of the qualifying features to achieve FCS in their own right require that the parameters defined in the vision for the watercourse are met.

19. The appellant asserts that despite the intended increase in the number of caravans, and consequently, users of the appeal site, the appeal project would represent a reduction in any effects on the SAC as overall discharges would be less than permitted under the planning permission. This is based on a limited number of on-site facilities being available, comprising only one bathroom (with a bath and shower) and a WC, a kitchen sink and a washing machine, and their use being controlled by the locking of an external door.
20. I acknowledge that NRW did not object to the intended scheme based on flows into a system serving only 8 people being below its screening threshold. However, there is no cogent evidence to support the appellant's assumptions that use of the facilities would be likely to be by no more than 8 persons a day. Even with a lock in place, I consider it likely that families would use the facilities in the building together, and, particularly for those with children, including bathroom facilities. Moreover, it would be difficult to enforce the locking of an external door to prevent others accessing the building and given its intended layout, the building could be used by several individuals or groups simultaneously with some washing clothes or washing dishes whilst others are using the bathroom. Further, notwithstanding any facilities within their own caravans, I agree with the Council that some users would queue to use the facilities, and given the expected duration of the activities involved, they would not be likely to be dissuaded from use by an unacceptably long wait. I consider that daily use of the facilities would far exceed the appellant's 8 person estimate.
21. In relation to the Appeal A scheme, use of the full 8 pitches is stated to be required for the site's viability, over and above the consented 5 caravans. Appeal B actively seeks permission for 8 pitches. Given the quantum of development sought as part of the project, there would be an increase in the number of expected users of the site consequent upon an increase in caravan numbers leading to a significant increase in foul discharges from the development. I acknowledge that the discharges from the intended drainage system would discharge to the ground and that some filtering of phosphates would occur. However, this is not quantified, and I have no evidence before me of the hydrological conductivity of the site or any measure of the speed and distance phosphates could travel. Given the proximity of the watercourse, and that I must take a precautionary approach, I cannot be satisfied that there is no pathway for phosphates to reach the SAC.
22. I acknowledge that there is an existing cesspool facility at the appeal site and that the Council, in allowing 5 caravans under the planning permission, expected that users would in part use their own facilities in addition to the permitted toilet block. However, there is no information before me of how cesspool waste was quantified or taken into consideration in relation to the effects of the development on the SAC. Nonetheless, by increasing caravan numbers, loadings to the cesspool would also be likely to increase.
23. NRW has reviewed wastewater treatment works (WWTW) phosphate permit limits as part of measures to reduce effects on the SAC from wastewater treatment, where wastewater discharges into the SAC. The NRW Review of Permits is part of appropriate steps to avoid deterioration under Article 6(2) of the Habitats Directive. NRW is taking a 'fair share' approach to issuing new permits. This approach recognises development is not the only source of phosphorous and the permit takes into account the measures that have or may be put in place to prevent or reduce the discharge of phosphates from these other sources, principally agriculture.

24. In relation to disposal at any WWTW within the catchment likely to receive waste from the development, I cannot discount a pathway for it to reach the SAC. Where a SAC is failing, even where the WWTW permit has been reviewed and revised, in order to find there would be no likely significant effect on the integrity of a SAC I would also need to be certain that either there will be 100% phosphate stripping at a WWTW of the loading produced by the development, or where the stripping will be less than 100% effective such a measure has or will be secured and the improvements in the agricultural sector have or will be delivered within the life of a permission and are expected to ensure that the SAC would no longer be failing. Although NRW operates a farm inspection programme in relation to statutory pollution control measures, these are directed principally at nitrogen reduction. Whilst they may also benefit phosphate reduction, this would require full compliance with the measures which has not yet been achieved and may not be wholly effective.
25. I have no details of any WWTW being used to receive cesspool waste from the development, its permit limit where applicable or whether it achieves 100% phosphate stripping. However, I have not sought details of the appellant's current disposal arrangements as I do not consider that it would be possible to control the disposal of cesspool waste to a designated treatment facility either inside or outside the SAC catchment. Moreover, and even if disposal was outside the SAC catchment or 100% phosphate stripping was achieved at the disposal site, this would not alter my conclusions on the effects of the treatment plant on the SAC site's integrity.
26. I am unable to conclude that there would be no adverse effects on the SAC site's integrity. This is the case whether the appeal proposals are assessed as a single project, as individual projects, or in combination.

Derogation

27. Whilst no substantive evidence of viability has been provided, I recognise the benefits of the project in supporting economic development and sustainable tourism. However, given the limited contribution that 3 additional caravans would make, such benefits fall far short of constituting imperative reasons of overriding public interest.

Conclusion

28. For the reasons given, I conclude that I am unable to rule out all reasonable scientific doubt of an adverse effect on the site's integrity. The proposed development therefore fails to comply with the Regulations and planning permission should be refused.

N Jones

Inspector