Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Appeal Decision

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by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 20/05/2026

Appeal reference: CAS-04619-L5L2D7

Site address: Land off Bronwylfa Road, Aberoer, Wrexham, LL14 4LG

- 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 Mark and Laura Roberts against the decision of Wrexham County Borough Council.
- The application Ref P/2025/0363, dated 24 April 2025, was refused by notice dated 17 June 2025.
- The development proposed is erection of an agricultural building and associated works including creation of access.
  A site visit was made on 9 April 2026.

Decision

1. The appeal is allowed and planning permission is granted for erection of an agricultural building and associated works including creation of access at Land off Bronwylfa Road, Aberoer, Wrexham, LL14 4LG, in accordance with the terms of the application, Ref P/2025/0363, dated 24 April 2025, subject to the conditions set out in the schedule to this decision letter.

Procedural Matters

2. In the interest of completeness, I have taken the description of development from the appeal form and the decision notice.
3. I saw that the access and hard surfacing had been carried out, but the proposed agricultural building had not been built. The appeal is therefore retrospective in part. The application submissions make it clear that the proposed agricultural building would be used for the storage of agricultural equipment, machinery and implements used in the upkeep of the appellant's agricultural land. I have determined the appeal on this basis, as did the Council.
4. The appeal site is located within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC) where I am required to consider the nutrient impact of proposed development. Given the intended use of the proposed building for storage of agricultural machinery and equipment, both the Council and Natural Resources Wales (NRW) consider that the proposal as submitted would not result in an increase in the

amount of nutrients entering the catchment. For this reason, I agree with the Council and NRW that the proposal would not have a likely significant effect on the SAC. On this basis, I am satisfied that no further assessment under the provisions of The Conservation of Habitats and Species Regulations 2017, as amended, is required.

5. Following a Direction from Welsh Ministers the Council has withdrawn the LDP. The development plan for Wrexham comprises Future Wales (FW) and the Wrexham Unitary Development Plan 1996-2011(UDP), adopted in 2005. I have determined this appeal on that basis.

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the area, having regard to planning policies on development in the countryside; and
- whether the proposed development would provide a net benefit in biodiversity.

Reasons

Countryside

7. The appeal site comprises a small triangular field bounded on all 3 sides by a mature hedge and rural lanes. The surrounding area is rural in character comprising small agricultural fields interspersed with mature hedgerows, sporadic farm yards and their large-scale agricultural buildings, and clusters of rural dwellings.

8. Policy EC3 of the UDP permits the construction of new agricultural buildings, unless the development is materially detrimental in terms of its impact on the environment or surrounding landscape. It states that such development should form part of an existing farm complex and that isolated agricultural buildings will only be permitted where there is an essential agricultural need and no reasonable alternative location. However, the UDP was adopted some time ago and the more recent Planning Policy Wales (PPW), Edition 12, and Technical Advice Note 6 (TAN 6): Sustainable Rural Communities, do not suggest that a test of essential need should be applied to agricultural buildings in the countryside. Furthermore, PPW and TAN 6 seeks to encourage agriculture in the rural countryside to thrive and promotes sustainable rural communities.

9. Although the Council questions the justification and need for the building, there is no dispute that proposed development would be used in connection with the appellant's existing small scale agricultural enterprise. The Council raise no issues with the expansion of this enterprise but states that it would be more appropriate to site the building next to the existing farm complex as opposed to an isolated location, separate from the existing building, which was granted planning permission at appeal (Ref: APP/H6955/A/21/3269296). The appeal site is only separated from the existing farm complex by a narrow lane. Therefore, the proposed development would not be so separate from the existing agricultural enterprise that it would be an isolated building. Furthermore, owing to the small size of the appeal site, and as it is constrained by the surrounding lanes, its use as a small yard in connection with the existing agricultural enterprise would be an efficient and suitable use of the site, which is supported by PPW.

10. Given its low height and small scale, and as it would be located in the northern corner of the site close to the mature boundary hedge, a large part of the building would be screened by the hedge boundaries. Whilst these hedges would likely be subject to management and maintenance in the future, I have no reason to suggest that they would be removed entirely. In any event, given its small scale and agricultural appearance, the proposed development would not be out of character with the surrounding predominantly

working agricultural landscape, in which one expects to see agricultural buildings of this size and design. Furthermore, I note that it is the appellant's intention to replace the existing storage container with the proposed building.

11. Whilst there would be some views of the building when approaching the appeal site from both directions on Bronwylfa Road, owing to its small scale and the screening effect of the gently undulating topography of the area and the intervening hedgerows and trees, such views would be at close range. It would therefore not be visually prominent in the wider landscape and would not have a harmful effect on its surroundings. Nor would it significantly interrupt views across the landscape and open countryside.

12. For the foregoing reasons, the proposal would not materially harm the character and appearance of the area and would be acceptable in the countryside. This complies with the aims of Policy EC3 of the UDP and the more recent national policies set out in PPW and TAN 6.

Biodiversity

13. Policy PS11 of the UDP encourages the improvement of the biodiversity value of sites. The more recent Policy 9 of FW and PPW requires all development to provide a net benefit for biodiversity enhancements. PPW advises that pre-emptive site clearance works should not be carried out prior to the submission of a planning application. It continues to state that where a site has been cleared prior to development, its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. A net benefit for biodiversity must be achieved from that point.

14. The appellant acknowledges that the site was cleared prior to the submission of the application. Despite there being no ecological appraisal beforehand, there is no dispute that the site previously comprised native scrub and self-seeded trees. The Google Maps Streetview image in the Green Infrastructure Statement shows the site conditions before it was cleared and does not suggest that there were any features of particular ecological value, nor habitats of significant importance on the site. There is also no evidence that there were any protected species on the site or that there are records of any in the area. The small loss of a section of hedgerow to create the access does not represent a significant loss of the overall hedgerow habitat on the site.

15. Furthermore, given the small scale of the appeal site, and as connectivity of the site is likely to be limited due to its physical separation from the surrounding trees and hedges, I am not persuaded that the site had significant ecological value to the wider area. In these circumstances, I'm satisfied that an adequate baseline of the site has been identified and that the proposed biodiversity enhancements of the planting of 9 native trees, together with the proposed bat and bird boxes, are proportional to the nature and scale of the development and would provide an adequate net benefit in biodiversity.

16. I accept that in most cases it would be preferable to provide the biodiversity enhancements on site. Nevertheless, in this case, the proposed tree planting would take place in close proximity to the site, in an area which has greater ecological connectivity to the wider area. This would likely provide greater enhancement than if they were planted on the appeal site. As they would be on land in the appellant's control, they could be secured by a condition.

17. I conclude that sufficient measures to achieve a net benefit for biodiversity have been submitted which can be secured by condition. This would comply with Policy 9 of FW and PPW. It would also accord with the aims of UDP Policy PS11.

Other Matters

18. I have had regard to the representations raising concerns relating to increase traffic, inadequate drainage, noise and dust. However, I have no cogent evidence that the proposed development would be unacceptable for any of these reasons.

Conditions

19. I have corrected the drawing number of the biodiversity enhancement plan in the suggested biodiversity enhancement condition to reflect the latest revision (Rev A). In the interest of preciseness, I have amended the wording of the suggested biodiversity enhancement condition, without changing its overall aim. Surface water drainage from the proposed development would be controlled through other legislation and therefore a separate condition is unnecessary.

20. The Council have suggested a number of highway related conditions. However, a condition requiring the proposed access gates to be set back 10m from the highway boundary would result in the gates being in the middle of the site. This would likely have implications on the operation of the site in terms of manoeuvrability of vehicles and would therefore be unreasonable. Furthermore, given the likely low volume of vehicles accessing the site from the lightly trafficked lane, I am not persuaded that such a condition is necessary. Similarly, any debris on the highway from the hard surface could be controlled through highway legislation, and so a condition requiring the access to be surfaced with hard bound materials for a distance of 10m into the site is also not necessary. I have therefore not imposed these conditions.

21. I have amended the wording of the suggested visibility splays condition having regard to the advice in the Welsh Government's Circular: The Use of Planning Conditions for Development Management 016/2014. As the suggested condition does not specify the height at which the splays should be kept free from any obstruction, in this case, I consider 1m would be sufficient to ensure adequate visibility for vehicles leaving the site.

22. I consider that a condition limiting its use to that which has been applied for is necessary to avoid any potential for future pollution that could arise from other agricultural uses which have not been assessed as part of this proposal.

Conclusion

23. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be allowed.

24. In reaching my decision, 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 Ministers' well-being objectives.

H Smith

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development shall begin not later than five years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development shall be carried out in accordance with the following approved plans:
Site Location Plan – Drawing No. 80168/GH/001
Proposed Block Plan – Drawing No. 80168/GH/003 Rev A
Proposed Plans and Elevations - Drawing No. 80168/GH/100
Biodiversity Enhancement Plan - Drawing No. 80168/GH/004 Rev A

   Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.

3) The building shall be used only for the storage of agricultural equipment, machinery and implements. No livestock shall be accommodated, or fertilizer stored within the building.

   Reason: To avoid the potential for future pollution, in accordance with Policy GDP1 of the Wrexham Unitary Development Plan 1996-2011.

4) The native tree and shrub planting as set out on Drawing No. 80168/GH/004 Rev A shall be provided within the first planting season following the commencement of development. Prior to the use of the building, the bat and bird boxes shall be provided in accordance with the details set out on Drawing No.80168/GH/004 Rev A. These biodiversity enhancement measures shall be retained as such for as long as the development exists.

   Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Policy 9 of Future Wales and Policy PS11 of the Wrexham Unitary Development Plan 1996-2011.

5) Prior to the use of the building, the visibility splays of 2.4 x 25 metres to the south and 2.4 x 18 metres to the north as shown on Drawing No. 80168/GH/003 Rev A shall be provided and maintained free of any obstruction exceeding 1m in height for as long as the development exists.

   Reason: In the interest of highway safety, in accordance with Policy GDP1 of the Wrexham Unitary Development Plan 1996-2011.