Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Appeal Decision

by Mr Anthony Thickett BA(HONS) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 21.10.2026

Appeal reference: CAS-04785-P7M7Q6 & CAS-04784-Q2D3N9

Site address: White Horse, 21 High Street, Overton, Wrexham, LL13 0DT

- The appeals are made under section 78 of the Town and Country Planning Act 1990 and section 100 of the Historic Environment (Wales) Act 2023 against the failure to determine applications for planning permission and listed building consent within the prescribed period.
- The appeals are made by Joules Brewery.
- The applications Ref P/2025/0080 and P/2025/0081 are dated 29 January 2025.
- A summary of the development proposed development/works is the conversion of a public house to six private residential apartments. The full description of the proposed development is set out in Appendix A.
- A site visit was made on 19 August 2026.

Decision

1. The appeals are allowed and planning permission and listed building consent granted subject to the conditions set out in the Schedule at the end of this decision.

Procedural Matter

2. The Council had no objections to the proposed conversion of the public house to apartments other than concern it would lead to an increase of phosphorus to the detriment of the River Dee and Bala Lake Special Area of Conservation (SAC). Listed Building Consent is a form of consent for a project captured by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the regulations) and so, subject to Habitats Regulations Assessment (HRA).

Main Issue

3. The main issue is the impact of the proposed development on the integrity of the River Dee and Bala Lake SAC.

Reasons

4. In July 2026 the Council considered a review of compliance data and concluded the Lower Dee should not be considered to be at risk of pollution failing its phosphorus target. This conclusion is based on a review of data produced by Natural Resources Wales (NRW) and the Environment Agency (EA) which demonstrates when all available

phosphorus data from both NRW and the EA are considered together and assessed using NRW's analytical approach, the Lower Dee remains below the phosphorus target.

5. As a consequence, the report considers it can be assumed a proposal within the Lower Dee catchment does not adversely affect the integrity of the River Dee and Bala Lake SAC, even with a net increase in phosphorus. NRW is satisfied the Council's findings broadly align with recent monitoring data showing the mean phosphorus concentration is typically below the relevant target. However, NRW contend it is not possible to rule out likely significant effect and advise an appropriate assessment is necessary.

Appropriate Assessment

6. The regulations require competent authorities, me in this case, to undertake a HRA to consider whether a plan or project is likely to have a likely significant effect on a SAC. The qualifying features for which the River Dee and Bala Lake SAC is designated include water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation and rivers with floating vegetation often dominated by water-crowfoot. Qualifying species include sea lamprey, Atlantic salmon and otter.

7. Its conservation objectives are to; ensure the integrity of the site is maintained or restored and the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring, amongst other things, the extent and distribution of qualifying natural habitats and habitats of qualifying species.

8. The White Horse is vacant and no longer in use as a public house. The appellant's viability study concludes it is no longer a going concern, nonetheless, its current lawful use is a public house with two bars, restaurant, function room at first floor and managers flat. The Council do not dispute the appellant's assertion the first floor rooms were let as bedrooms in the past but there was no evidence of such from my inspection.

9. The accommodation would likely have been used by visitors to the area but it's not clear when this use finished and more recently the clientele would have mainly been local, resulting in little or no net increase in foul sewage/phosphorous into the system. The proposed flats could be occupied by people moving from a different catchment but I consider it unlikely all 6 would be sold to people from outside the area. Therefore, although the proposed development is likely to result in an increase of foul sewage/phosphorous, any net increase over the lawful use is likely to be minimal.

10. In its response to the appeal application consultation, NRW direct me to its conclusions on a shadow HRA submitted to support an appeal also with PEDW for residential development in the same catchment area (CAS-03789-W3C7T6). Having assessed the latest data referred to above, the report concludes it is possible to increase the phosphorus load discharged to the river without causing a breach of the phosphorus standard.

11. In addition to the proposed development it was drafted to support, the shadow HRA considers the impact of additional residential and commercial development using projections and data provided by the Council. The shadow HRA concludes the cumulative impact of residential and commercial development would not have a likely significant impact on the SAC. NRW accepts this conclusion.

12. Together with the firm statement in the Council's review that *'it can be concluded that a proposal within the lower Dee catchment does not adversely affect the integrity of the River Dee and Bala Lake SAC, even with a net increase in phosphorus.'* I consider I can conclude the proposed development would not have a likely significant effect on the SAC alone or in combination with other plans or projects.

Other Matters

13. The rear courtyard is accessed via a narrow arch onto High Street. The courtyard does not appear to have been used for parking to serve the public house. Due to the restricted width and visibility (vehicular and pedestrian) its use to access parking in the courtyard for the proposed flats would not be safe. A plan has been submitted showing parking spaces but I will impose a condition prohibiting parking in the courtyard. I see no reason to doubt the Council's assertion the parking demand generated by the public house is likely to be higher than the proposed use and conclude the lack of parking would not be detrimental to highway safety.

14. No empirical evidence is submitted to counter the appellant's viability study which concludes the public house is no longer a going concern. The proposed development would secure the long term future of the listed building.

Conclusion

15. 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. This decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

A Thickett

Inspector

Schedule

CAS-04784-Q2D3N9

The appeal is allowed and planning permission granted for the conversion of a public house to six private residential apartments at White Horse, 21 High Street, Overton, Wrexham, LL13 0DT, in accordance with the terms of the application, Ref P/2025/0080, dated 29 January 2025, subject to the following conditions.

1. The development shall begin no later than five years from the date of this decision.

   Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans:

   Location Plan TQRQM24096125551337

   Existing (and Proposed) Front and Rear Elevations 360 – 004

   Existing (and Proposed) Side Elevations 360 – 005

   Landscape scheme - PA-1073-Overton- Landscape GA

   Proposed Ground Floor Plan - 360 – 006/A

   Proposed First and Second Floor Plan - 360 – 007/A

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

3. Notwithstanding the Landscape Plan and Parking Layout plan dated October 2024, no car parking shall be provided on site.

   Reason: The access to High Street has inadequate width and visibility for drivers to access and egress safely, in accordance with Policy GDP 1(d) of the UDP.

4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the conversion have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

   Reason: to preserve the architectural and historic interest of the listed building in accordance with Policy EC9 of the UDP.

5. Notwithstanding the Landscape scheme - PA-1073-Overton- Landscape GA, no development shall take place until a scheme of landscaping and biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. The approved landscaping and biodiversity enhancement shall be carried out in the first planting and seeding seasons following the occupation of the flats or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

   Reason; To achieve biodiversity enhancement in accordance with Policy 9 of Future Wales.

CAS-04785-P7M7Q6

The appeal is allowed and listed building consent granted for the conversion of a public house to six private residential apartments at White Horse, 21 High Street, Overton, Wrexham, LL13 0DT, in accordance with the terms of the application, Ref P/2025/0081, dated 29 January 2025, subject to the following conditions.

1. The works hereby consented shall begin no later than five years from the date of this decision.

   Reason: In accordance with the provisions of To comply with Section 98 of the Historic Environment (Wales) Act 2023.

2. The development shall be carried out in accordance with the following approved plans:

   Location Plan TQRQM24096125551337

   Existing (and Proposed) Front and Rear Elevations 360 – 004

   Existing (and Proposed) Side Elevations 360 – 005

   Landscape scheme - PA-1073-Overton- Landscape GA

   Proposed Ground Floor Plan - 360 – 006/A

   Proposed First and Second Floor Plan - 360 – 007/A

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

3. None of the works hereby consented shall be carried out until the following details have been submitted to and approved in writing by, the local planning authority:

   i. Samples of the materials to be used in the construction of the external surfaces,

   ii. Details of acoustic and fire prevention measures, with supporting written justification,

   iii. Details of internal wall insulation supported by a site-specific hygrothermal risk assessment, and

   iv. Details of proposed secondary glazing, fire doors and new room partitions.

   The works shall be carried out in accordance with the approved details.

   Reason: to preserve the architectural and historic interest of the listed building in accordance with Policy EC9 of the UDP.

Appendix A

Planning application - P/2025/0080

Description of development

The proposed application involves the remodelling, adaptation, and conversion of the White Horse Inn from a public house into six private residential apartments, organised to create two apartments per floor. The renovation will retain the existing form of the building, in line with the original structure.

Restoration works of the building's fabric will be necessary, particularly to the external walls and windows, where improvements in insulation will be incorporated. Internal remodelling will also be required to create the new apartment layouts, including the addition of separating floors and walls. Key architectural features, such as coving, will be preserved, with new walls carefully integrated around existing elements. Fireplaces will remain in their original positions, and the ornate staircase and banister features will be left untouched (see Heritage Impact Statement).

To the rear of the property, a spacious garden area offers an ideal opportunity for the provision of shared utility spaces for the apartments, including cycle storage and a designated bin area. This area will also retain a communal outdoor space, enhancing the town centre courtyard setting with features such as seating and landscaped planting areas, promoting both functionality, aesthetic appeal, and health and wellbeing of the residents.

Listed Building Consent application – P/2025/0081

Description of proposed works

The proposed application involves the remodelling, adaptation, and conversion of the White Horse Inn from a public house into six private residential apartments, organised to create two apartments per floor. The renovation will retain the existing form of the building, in line with the original structure. Restoration works of the building's fabric will be necessary, particularly to the external walls and windows, where improvements in insulation will be incorporated. Internal remodelling will also be required to create the new apartment layouts, including the addition of separating floors and walls. Key architectural features, such as coving, will be preserved, with new walls carefully integrated around existing elements. Any original fireplaces would remain in their original positions, and the ornate staircase and banister features will be left untouched (see Heritage Impact Statement). To the rear of the property, a spacious garden area offers an ideal opportunity for the provision of shared utility spaces for the apartments, including cycle storage and a designated bin area. This area will also retain a communal outdoor space, enhancing the town centre courtyard setting with features such as seating and landscaped planting areas, promoting both functionality, aesthetic appeal, and health and wellbeing of the residents. Close collaboration with the Local Planning Authority and Conservation Officer will ensure that all works use high-quality materials that complement the character of the Overton Conservation Area, helping to restore and preserve this important heritage asset.